

Assembly

Committee Report

The committee on **Children and Families**, reports and recommends:

Assembly Bill 532

Relating to: court-appointed special advocates for children and juveniles in need of protection or services.

By Representatives Steinbrink, Porter, Kreuser, Ladwig, Kelso, Turner, Coggs, Brandemuehl, Sykora, Reynolds, Meyer, La Fave, Johnsrud and Ryba; cosponsored by Senators Wirch, Plache, Huelsman, Burke, Darling, Clausing, Rosenzweig, Erpenbach and Roessler.

INTRODUCTION AND ADOPTION OF ASSEMBLY SUBSTITUTE
AMENDMENT, Ayes 9, Noes 0, Absent 1

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Colon and
Sinicki.

Noes: (0) None.

Absent: (1) Representative Coggs.

PASSAGE AS AMENDED RECOMMENDED, Ayes 8, Noes 1,
Absent 1

Ayes: (8) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Kestell, Miller, Colon and Sinicki.

Noes: (1) Representative Grothman.

Absent: (1) Representative Coggs.

Representative Bonnie Ladwig
Chair

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 532

Relating to: court-appointed special advocates for children and juveniles in need of protection or services.

By Representatives Steinbrink, Porter, Kreuser, Ladwig, Kelso, Turner, Coggs, Brandemuehl, Sykora, Reynolds, Meyer, La Fave, Johnsrud and Ryba; cosponsored by Senators Wirch, Plache, Huelsman, Burke, Darling, Clausing, Rosenzweig, Erpenbach and Roessler.

October 12, 1999 Referred to committee on Children and Families.

November 30, 1999 **PUBLIC HEARING HELD**

Present: (5) Representatives Ladwig, Freese, Miller, Colon and Sinicki.
Absent: (5) Representatives Jeskewitz, Kreibich, Grothman, Kestell and Coggs.

Appearances for

- Dawn Reuter; Silver Lake, Wisconsin
- Beverly Jambois; Salem, Wisconsin
- Carmel Capati; Columbia and Sauk Counties CASA
- Julie M'Guire; Racine, Wisconsin
- Jennifer Gozdzialski; Kewaunee, Wisconsin
- Eugene Gozdzialski; Kewaunee, Wisconsin
- Marsha Varnil-Weld; Dane County CASA Program
- Kitty Kocol; Office of Crime Victim Services, Department of Justice
- Robert and Rosemary Albrecht; Oak Creek, Wisconsin
- State Senator Robert Wirch, 22nd Senate District
- State Representative John Steinbrink, 65th Assembly District

Appearances against

- Joan Tatarsky; Milwaukee, Wisconsin
- Marvin Munyon, Family Research Institute
- Philip Green; Oshkosh, Wisconsin

Appearances for Information Only

- Kathryn C. Jones; Pleasant Prairie, Wisconsin

Registrations for

- State Representative John LaFave, 23rd Assembly District
- State Representative Jeff Plale, 21st Assembly District
- Emily Hansen; Social Work Department, Carroll College
- Debbie Walsh; Social Work Department, Carroll College
- Margaret Szafrunsl; Social Work Department, Carroll College
- Mandy Tomaro; Social Work Department, Carroll College
- Erica Soyk; Social Work Department, Carroll College
- Juna Krajewski; Dane County CASA Program
- Kevin Lewis; Legislative Liason, Department of Health and Family Services
- State Representative Jim Kreuser, 64th Assembly District
- State Representative Dave Hutchison, 1st Assembly District
- Susan Howe; Madison, Wisconsin
- Elaine Creager, Dane County CASA Program
- State Senator Alan Lasee, 1st Senate District
- State Senator Brian Burke, 3rd Senate District
- David Storey; Oregon, Wisconsin
- State Representative Cloyd Porter, 66th Assembly District

Registrations against

- S. Kent Steffke; Milwaukee, Wisconsin
- State Representative Mark Gundrum, 84th Assembly District
- Kathleen Doak; Menomonee Falls, Wisconsin
- Maureen Sievers, Legal Aid Society
- Blache Widmer; Oshkosh, Wisconsin
- Philip and Marun Green; Wyldewood Baptist Church; Oshkosh, Wisconsin
- Robert and Juanita Warinner; Omro, Wisconsin

March 2, 2000

EXECUTIVE SESSION

Present: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.

Absent: (1) Representative Coggs.

Moved by Representative Freese, seconded by Representative Jeskewitz, that **Assembly Substitute Amendment** be recommended for introduction and adoption.

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.

Noes: (0) None.

Absent: (1) Representative Coggs.

INTRODUCTION AND ADOPTION RECOMMENDED, Ayes 9,
Noes 0, Absent 1

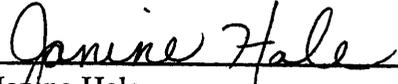
Moved by Representative Freese, seconded by Representative
Jeskewitz, that **Assembly Bill 532** be recommended for passage as
amended.

Ayes: (8) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Kestell, Miller, Colon and Sinicki.

Noes: (1) Representative Grothman.

Absent: (1) Representative Coggs.

PASSAGE AS AMENDED RECOMMENDED, Ayes 8, Noes 1,
Absent 1



Janine Hale
Committee Clerk



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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Fax: (608) 266-3830
Email: leg.council@legis.state.wi.us

DATE: March 6, 2000
TO: INTERESTED LEGISLATORS
FROM: Joyce L. Kiel, Senior Staff Attorney
SUBJECT: Assembly Substitute Amendment 1 to 1999 Assembly Bill 532, Relating to Court-Appointed Special Advocates for Children and Juveniles in Need of Protection or Services

This memorandum describes: (a) 1999 Assembly Bill 532, relating to court-appointed special advocates (CASAs) for children and juveniles in need of protection or services; and (b) Assembly Substitute Amendment 1 to 1999 Assembly Bill 532. Assembly Bill 532 was introduced by Representative Steinbrink and others; cosponsored by Senator Wirch and others. (The companion bill to Assembly Bill 532 is 1999 Senate Bill 106.) The bill was referred to the Assembly Committee on Children and Families which held a public hearing on the bill on November 30, 1999.

Representative Steinbrink introduced Assembly Amendments 1 and 2 to the bill. However, at its executive session on March 2, 2000, the Assembly Committee on Children and Families: (a) offered Assembly Substitute Amendment 1 to the bill; (b) recommended adoption of the substitute amendment on a vote of Ayes, 9; Noes, 0; and Absent, 1; and (c) recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 1; and Absent, 1.

A. 1999 ASSEMBLY BILL 532

1. Recognition of CASA Program

Under current law, a county board, county department of social services or county department of human services (county department) or, in Milwaukee County, the Department of Health and Family Services (DHFS) or a licensed child welfare agency under contract with DHFS may recognize a CASA program.

The bill eliminates the authority of a county board, a county department or, in Milwaukee County, DHFS or a licensed child welfare agency to recognize a CASA program and instead permits the chief judge of a judicial administrative district to recognize a CASA program.

A chief judge may recognize a CASA program by entering into a memorandum of understanding (MOU) with the CASA program that specifies the responsibilities of the CASA program and of a CASA. The MOU must specify that the CASA program is responsible for selecting, training, supervising and evaluating CASAs.

2. CASA Activities

The bill permits the court assigned to exercise jurisdiction under the Children's Code [ch. 48, Stats.] and Juvenile Justice Code [ch. 938, Stats.] (juvenile court) to request a CASA program to designate a CASA to perform certain activities in any proceeding in which it is alleged that a child is in need of protection or services (CHIPS) under the Children's Code or a juvenile is in need of protection or services (JIPS) under the Juvenile Justice Code based on being uncontrollable, habitually truant from home or school or a dropout from school if the juvenile court finds that providing the services of a CASA would be in the best interests of the child or juvenile.

The bill permits a juvenile court to request a CASA program to designate a CASA to perform any of the following activities:

a. Gather information and make observations about the child or juvenile, his or her family and any other person residing in the same home as the child or juvenile and provide that information and those observations to the juvenile court in the form of written reports or, if requested by the juvenile court, oral testimony.

b. Maintain regular contact with the child or juvenile; monitor the appropriateness and safety of the environment of the child or juvenile, the extent to which the child or juvenile and his or her family are complying with any consent decree or dispositional order of the juvenile court or any permanency plan for the child or juvenile and the extent to which any agency that is required to provide services for the child or juvenile and his or her family is providing those services; and, based on that regular contact and monitoring, provide information to the juvenile court in the form of written reports or, if requested by the juvenile court, oral testimony.

c. Advocate for the best interests of the child or juvenile.

d. Undertake any other activities that are consistent with the MOU between the chief judge and the CASA program.

3. CASA Authority

A juvenile court that requests a CASA program to designate a CASA to undertake any of the activities described in item 2., above, *must* include in the order requesting that designation an order authorizing the CASA to do any of the following:

a. Inspect any reports and records relating to the child or juvenile, his or her family and any other person residing in the same home as the child or juvenile that are relevant to the subject matter of the proceeding. Those reports and records include physical, psychological and alcohol or other drug dependency examination reports, law enforcement agency reports and records, juvenile court records, social welfare agency records, abuse and neglect reports and records and pupil records. The court order must require the custodian of the report or record to permit the CASA to inspect the report or record upon presentation by the CASA of a copy of the order. A CASA that obtains access to such a report or record must keep the information contained in the report or record confidential and may disclose that information only to the juvenile court and, if disclosed to the juvenile court, to all parties to the proceeding.

b. Observe the child or juvenile and his or her living environment and, if the child or juvenile is old enough to communicate, interview the child or juvenile; interview the parent, guardian, legal custodian or other caregiver of the child or juvenile and observe that person's living environment; and interview any other person who might possess any information relating to the child or juvenile and his or her family that is relevant to the proceeding. A CASA may observe or interview the child or juvenile at any location without the permission of the parent, guardian, legal custodian or other caregiver of the child or juvenile if necessary to obtain any information that is relevant to the subject of the proceeding, except that a CASA may enter the home of a child or juvenile only with the permission of the parent, guardian, legal custodian or other caregiver of the child or juvenile or after obtaining a court order permitting the CASA to do so. A CASA that obtains any information from those observations or interviews must keep the information confidential and may disclose that information only to the juvenile court and, if disclosed to the juvenile court, to all parties to the proceeding.

4. CASA Selection, Training, Supervision and Evaluation

To be a CASA, a person must be a *volunteer* who has been selected and trained. The person must be 21 years of age or older, must demonstrate an interest in the welfare of children, must undergo a satisfactory background investigation, must complete the training program required under the bill and must meet any other qualifications required by the CASA program.

The required training program includes instruction on recognizing child abuse and neglect, cultural competency, child development, juvenile court procedures, permanency planning for children, the activities of a CASA, information gathering and documentation and observation of a juvenile court CHIPS or JIPS proceeding. A CASA also must complete continuing training annually.

The supervisory support staff of a CASA program must be easily accessible to the CASAs, must hold regular case conferences with the CASAs and must conduct annual performance evaluations of the CASAs. A CASA program must provide its staff and volunteers with written guidelines describing the policies, practices and procedures of the CASA program and a CASA's responsibilities.

The bill provides that no person who is a party to the CHIPS or JIPS proceeding, who appears as counsel or guardian ad litem or who is a relative or representative of any party may be appointed as a CASA in that proceeding.

5. Communication to a Jury

The bill provides that if a CASA submits a written report or testifies orally in a jury trial, the court may tell the jury that the CASA represents the interests of the child for whom the CASA was designated.

6. Disclosure of Child Abuse and Neglect Reports and Records

Under current law, child abuse and neglect reports and records are confidential and may be disclosed only under certain exceptions. One of those exceptions permits those reports and records to be disclosed to a CASA to the extent necessary to perform the advocacy services in CHIPS proceedings for which the CASA program is recognized.

The bill retains this provision but changes the entity recognizing the CASA program as noted in item 1., above. The bill also adds disclosure to a CASA appointed for a juvenile in a JIPS proceeding based on being uncontrollable, habitually truant from home or school or a dropout from school.

7. Child Abuse and Neglect Reporting

The bill makes a CASA a mandatory reporter of suspected or threatened child abuse or neglect with respect to a child or juvenile seen in the course of the CASA's volunteer activities.

8. Immunity

The bill provides that a CASA volunteer or an employe of a CASA program is immune from civil liability for any act or omission of the volunteer or employe occurring while acting within the scope of his or her activities and authority as a CASA volunteer or employe.

B. ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 1999 ASSEMBLY BILL 532

Assembly Substitute Amendment 1 to 1999 Assembly Bill 532 differs from the bill in the following respects:

1. The substitute amendment provides that the statutory CASA program *applies only to CHIPS proceedings*, rather than to both CHIPS and certain JIPS proceedings. Thus, the substitute amendment eliminates provisions relating to ch. 938, Stats., the Juvenile Justice Code. The substitute amendment also changes the relating clause to delete reference to juveniles in need of protection or services.

2. The substitute amendment provides that a CASA may be either a volunteer (as under the bill) *or an employe of the CASA program who is authorized to provide CASA services*. All of the provisions relating to CASAs who are volunteers apply on an equal basis to CASAs who are employes of a CASA program and authorized to provide CASA services, for example,

provisions relating to selection, training, supervision and evaluation, as well as provisions relating to CASA authority, activities and mandated reporting of suspected or threatened child abuse or neglect.

3. With respect to a CASA's activities described in item A. 2., above, the substitute amendment provides that the CASA is to *promote* the best interests of the child, rather than *advocate* for the best interests of the child.

4. The substitute amendment provides that if a juvenile court requests that a CASA program designate a CASA to undertake any of the activities described in item A. 2., above, the court order *may* authorize the CASA to have the authority described in item A. 3., above, rather than *requiring* that the court order include such authority.

5. The substitute amendment provides that the MOU may, if necessary for the efficient administration of the CASA program, provide for a *variance* from: (a) the CASA activities described in item A. 2., above; (b) the CASA authority described in item A. 3., above; and (c) the requirements relating to selection, training, supervision and evaluation of a CASA described in item A. 4., above.

6. The substitute amendment specifies that a CASA may exercise any authority in addition to the authority discussed in item A. 3., above, that is consistent with the MOU.

7. The substitute amendment *eliminates* the provision relating to communication with a jury described in item A. 5., above.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices at 266-3137.

JLK:tlu:ksm:wu:rv:wu



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
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Email: leg.council@legis.state.wi.us

DATE: February 25, 2000
TO: SENATOR ROBERT WIRCH
FROM: Joyce L. Kiel, Senior Staff Attorney
SUBJECT: Senate Substitute Amendment ___ (LRBs0270/4) to 1999 Senate Bill 106,
Relating to Court-Appointed Special Advocates for Children and Juveniles in
Need of Protection or Services

This memorandum, prepared at your request, describes: (a) 1999 Senate Bill 106, relating to court-appointed special advocates (CASAs) for children and juveniles in need of protection or services; and (b) Senate Substitute Amendment ___ (LRBs0270/4) to 1999 Senate Bill 106. Senate Bill 106 was introduced by you and others; cosponsored by Representative Steinbrink and others. The bill was referred to the Senate Committee on Judiciary and Consumer Affairs which held a public hearing on the bill on Tuesday, February 1, 2000.

A. 1999 SENATE BILL 106

1. Recognition of CASA Program

Under current law, a county board, county department of social services or county department of human services (county department) or, in Milwaukee County, the Department of Health and Family Services (DHFS) or a licensed child welfare agency under contract with DHFS may recognize a CASA program.

The bill eliminates the authority of a county board, a county department or, in Milwaukee County, DHFS or a licensed child welfare agency to recognize a CASA program and instead permits the chief judge of a judicial administrative district to recognize a CASA program.

A chief judge may recognize a CASA program by entering into a memorandum of understanding (MOU) with the CASA program that specifies the responsibilities of the CASA program and of a CASA. The MOU must specify that the CASA program is responsible for selecting, training, supervising and evaluating CASAs.

2. CASA Activities

The bill permits the court assigned to exercise jurisdiction under the Children's Code [ch. 48, Stats.] and Juvenile Justice Code [ch. 938, Stats.] (juvenile court) to request a CASA program to designate a CASA to perform certain activities in any proceeding in which it is alleged that a child is in need of protection or services (CHIPS) under the Children's Code or a juvenile is in need of protection or services (JIPS) under the Juvenile Justice Code based on being uncontrollable, habitually truant from home or school or a dropout from school if the juvenile court finds that providing the services of a CASA would be in the best interests of the child or juvenile.

The bill permits a juvenile court to request a CASA program to designate a CASA to perform any of the following activities:

a. Gather information and make observations about the child or juvenile, his or her family and any other person residing in the same home as the child or juvenile and provide that information and those observations to the juvenile court in the form of written reports or, if requested by the juvenile court, oral testimony.

b. Maintain regular contact with the child or juvenile; monitor the appropriateness and safety of the environment of the child or juvenile, the extent to which the child or juvenile and his or her family are complying with any consent decree or dispositional order of the juvenile court or any permanency plan for the child or juvenile and the extent to which any agency that is required to provide services for the child or juvenile and his or her family is providing those services; and, based on that regular contact and monitoring, provide information to the juvenile court in the form of written reports or, if requested by the juvenile court, oral testimony.

c. Advocate for the best interests of the child or juvenile.

d. Undertake any other activities that are consistent with the MOU between the chief judge and the CASA program.

3. CASA Authority

A juvenile court that requests a CASA program to designate a CASA to undertake any of the activities described in item 2., above, *must* include in the order requesting that designation an order authorizing the CASA to do any of the following:

a. Inspect any reports and records relating to the child or juvenile, his or her family and any other person residing in the same home as the child or juvenile that are relevant to the subject matter of the proceeding. Those reports and records include physical, psychological and alcohol or other drug dependency examination reports, law enforcement agency reports and records, juvenile court records, social welfare agency records, abuse and neglect reports and records and pupil records. The court order must require the custodian of the report or record to permit the CASA to inspect the report or record upon presentation by the CASA of a copy of the order. A CASA that obtains access to such a report or record must keep the information

contained in the report or record confidential and may disclose that information only to the juvenile court and, if disclosed to the juvenile court, to all parties to the proceeding.

b. Observe the child or juvenile and his or her living environment and, if the child or juvenile is old enough to communicate, interview the child or juvenile; interview the parent, guardian, legal custodian or other caregiver of the child or juvenile and observe that person's living environment; and interview any other person who might possess any information relating to the child or juvenile and his or her family that is relevant to the proceeding. A CASA may observe or interview the child or juvenile at any location without the permission of the parent, guardian, legal custodian or other caregiver of the child or juvenile if necessary to obtain any information that is relevant to the subject of the proceeding, except that a CASA may enter the home of a child or juvenile only with the permission of the parent, guardian, legal custodian or other caregiver of the child or juvenile or after obtaining a court order permitting the CASA to do so. A CASA that obtains any information from those observations or interviews must keep the information confidential and may disclose that information only to the juvenile court and, if disclosed to the juvenile court, to all parties to the proceeding.

4. CASA Selection, Training, Supervision and Evaluation

To be a CASA, a person must be a *volunteer* who has been selected and trained. The person must be 21 years of age or older, must demonstrate an interest in the welfare of children, must undergo a satisfactory background investigation, must complete the training program required under the bill and must meet any other qualifications required by the CASA program.

The required training program includes instruction on recognizing child abuse and neglect, cultural competency, child development, juvenile court procedures, permanency planning for children, the activities of a CASA, information gathering and documentation and observation of a juvenile court CHIPS or JIPS proceeding. A CASA also must complete continuing training annually.

The supervisory support staff of a CASA program must be easily accessible to the CASAs, must hold regular case conferences with the CASAs and must conduct annual performance evaluations of the CASAs. A CASA program must provide its staff and volunteers with written guidelines describing the policies, practices and procedures of the CASA program and a CASA's responsibilities.

The bill provides that no person who is a party to the CHIPS or JIPS proceeding, who appears as counsel or guardian ad litem or who is a relative or representative of any party may be appointed as a CASA in that proceeding.

5. Communication to a Jury

The bill provides that if a CASA submits a written report or testifies orally in a jury trial, the court may tell the jury that the CASA represents the interests of the child for whom the CASA was designated.

6. Disclosure of Child Abuse and Neglect Reports and Records

Under current law, child abuse and neglect reports and records are confidential and may be disclosed only under certain exceptions. One of those exceptions permits those reports and records to be disclosed to a CASA to the extent necessary to perform the advocacy services in CHIPS proceedings for which the CASA program is recognized.

The bill retains this provision but changes the entity recognizing the CASA program as noted in item 1., above. The bill also adds disclosure to a CASA appointed for a juvenile in a JIPS proceeding based on being uncontrollable, habitually truant from home or school or a dropout from school.

7. Child Abuse and Neglect Reporting

The bill makes a CASA a mandatory reporter of suspected or threatened child abuse or neglect with respect to a child or juvenile seen in the course of the CASA's volunteer activities.

8. Immunity

The bill provides that a CASA volunteer or an employe of a CASA program is immune from civil liability for any act or omission of the volunteer or employe occurring while acting within the scope of his or her activities and authority as a CASA volunteer or employe.

B. SENATE SUBSTITUTE AMENDMENT — (LRBs0270/4) TO 1999 SENATE BILL 106

Senate Substitute Amendment ___ (LRBs0270/4) to 1999 Senate Bill 106 differs from the bill in the following respects:

1. The substitute amendment provides that the statutory CASA program *applies only to CHIPS proceedings*, rather than to both CHIPS and certain JIPS proceedings. Thus, the substitute amendment eliminates provisions relating to ch. 938, Stats., the Juvenile Justice Code. The substitute amendment also changes the relating clause to delete reference to juveniles in need of protection or services.
2. The substitute amendment provides that a CASA may be either a volunteer (as under the bill) *or an employe of the CASA program who is authorized to provide CASA services*. All of the provisions relating to CASAs who are volunteers apply on an equal basis to CASAs who are employes of a CASA program and authorized to provide CASA services, for example, provisions relating to selection, training, supervision and evaluation, as well as provisions relating to CASA authority, activities and mandated reporting of suspected or threatened child abuse or neglect.
3. With respect to a CASA's activities described in item A. 2., above, the substitute amendment provides that the CASA is to *promote* the best interests of the child, rather than *advocate* for the best interests of the child.

4. The substitute amendment provides that if a juvenile court requests that a CASA program designate a CASA to undertake any of the activities described in item A. 2., above, the court order *may* authorize the CASA to have the authority described in item A. 3., above, rather than *requiring* that the court order include such authority.

5. The substitute amendment provides that the MOU may, if necessary for the efficient administration of the CASA program, provide for a *variance* from: (a) the CASA activities described in item A. 2., above; (b) the CASA authority described in item A. 3., above; and (c) the requirements relating to selection, training, supervision and evaluation of a CASA described in item A. 4., above.

6. The substitute amendment specifies that a CASA may exercise any authority in addition to the authority discussed in item A. 3., above, that is consistent with the MOU.

7. The substitute amendment *eliminates* the provision relating to communication with a jury described in item A. 5., above.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

JLK:tlu:ksm;wu



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone: (608) 266-1304
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Email: leg.council@legis.state.wi.us

DATE: March 20, 2000
TO: INTERESTED LEGISLATORS
FROM: Joyce L. Kiel, Senior Staff Attorney
SUBJECT: Senate Substitute Amendment 1 to 1999 Senate Bill 106, Relating to Court-Appointed Special Advocates for Children and Juveniles in Need of Protection or Services, and Senate Amendment 1 to Senate Substitute Amendment 1

This memorandum describes: (a) 1999 Senate Bill 106, relating to court-appointed special advocates (CASAs) for children and juveniles in need of protection or services; (b) Senate Substitute Amendment 1 to 1999 Senate Bill 106; and (c) Senate Amendment 1 to Senate Substitute Amendment 1 to the bill. Senate Bill 106 was introduced by Senator Wirch and others; cosponsored by Representative Steinbrink and others. The bill was referred to the Senate Committee on Judiciary and Consumer Affairs which introduced Senate Substitute Amendment 1 and recommended the bill for passage, as amended, on a vote of Ayes, 5; Noes, 0. Senate Amendment 1 to Senate Substitute Amendment 1 was offered by Senators Moore and Wirch. It, and the substitute amendment, were adopted by the Senate. The Senate passed the bill, as amended, on a voice vote.

A. 1999 SENATE BILL 106

1. Recognition of CASA Program

Under current law, a county board, county department of social services or county department of human services (county department) or, in Milwaukee County, the Department of Health and Family Services (DHFS) or a licensed child welfare agency under contract with DHFS may recognize a CASA program.

The bill eliminates the authority of a county board, a county department or, in Milwaukee County, DHFS or a licensed child welfare agency to recognize a CASA program and instead permits the chief judge of a judicial administrative district to recognize a CASA program.

A chief judge may recognize a CASA program by entering into a memorandum of understanding (MOU) with the CASA program that specifies the responsibilities of the CASA program and of a CASA. The MOU must specify that the CASA program is responsible for selecting, training, supervising and evaluating CASAs.

2. CASA Activities

The bill permits the court assigned to exercise jurisdiction under the Children's Code [ch. 48, Stats.] and Juvenile Justice Code [ch. 938, Stats.] (juvenile court) to request a CASA program to designate a CASA to perform certain activities in any proceeding in which it is alleged that a child is in need of protection or services (CHIPS) under the Children's Code or a juvenile is in need of protection or services (JIPS) under the Juvenile Justice Code based on being uncontrollable, habitually truant from home or school or a dropout from school if the juvenile court finds that providing the services of a CASA would be in the best interests of the child or juvenile.

The bill permits a juvenile court to request a CASA program to designate a CASA to perform any of the following activities:

a. Gather information and make observations about the child or juvenile, his or her family and any other person residing in the same home as the child or juvenile and provide that information and those observations to the juvenile court in the form of written reports or, if requested by the juvenile court, oral testimony.

b. Maintain regular contact with the child or juvenile; monitor the appropriateness and safety of the environment of the child or juvenile, the extent to which the child or juvenile and his or her family are complying with any consent decree or dispositional order of the juvenile court or any permanency plan for the child or juvenile and the extent to which any agency that is required to provide services for the child or juvenile and his or her family is providing those services; and, based on that regular contact and monitoring, provide information to the juvenile court in the form of written reports or, if requested by the juvenile court, oral testimony.

c. Advocate for the best interests of the child or juvenile.

d. Undertake any other activities that are consistent with the MOU between the chief judge and the CASA program.

3. CASA Authority

A juvenile court that requests a CASA program to designate a CASA to undertake any of the activities described in item 2., above, *must* include in the order requesting that designation an order authorizing the CASA to do any of the following:

a. Inspect any reports and records relating to the child or juvenile, his or her family and any other person residing in the same home as the child or juvenile that are relevant to the subject matter of the proceeding. Those reports and records include physical, psychological and alcohol or other drug dependency examination reports, law enforcement agency reports and

records, juvenile court records, social welfare agency records, abuse and neglect reports and records and pupil records. The court order must require the custodian of the report or record to permit the CASA to inspect the report or record upon presentation by the CASA of a copy of the order. A CASA that obtains access to such a report or record must keep the information contained in the report or record confidential and may disclose that information only to the juvenile court and, if disclosed to the juvenile court, to all parties to the proceeding.

b. Observe the child or juvenile and his or her living environment and, if the child or juvenile is old enough to communicate, interview the child or juvenile; interview the parent, guardian, legal custodian or other caregiver of the child or juvenile and observe that person's living environment; and interview any other person who might possess any information relating to the child or juvenile and his or her family that is relevant to the proceeding. A CASA may observe or interview the child or juvenile at any location without the permission of the parent, guardian, legal custodian or other caregiver of the child or juvenile if necessary to obtain any information that is relevant to the subject of the proceeding, except that a CASA may enter the home of a child or juvenile only with the permission of the parent, guardian, legal custodian or other caregiver of the child or juvenile or after obtaining a court order permitting the CASA to do so. A CASA that obtains any information from those observations or interviews must keep the information confidential and may disclose that information only to the juvenile court and, if disclosed to the juvenile court, to all parties to the proceeding.

4. CASA Selection, Training, Supervision and Evaluation

To be a CASA, a person must be a *volunteer* who has been selected and trained. The person must be 21 years of age or older, must demonstrate an interest in the welfare of children, must undergo a satisfactory background investigation, must complete the training program required under the bill and must meet any other qualifications required by the CASA program.

The required training program includes instruction on recognizing child abuse and neglect, cultural competency, child development, juvenile court procedures, permanency planning for children, the activities of a CASA, information gathering and documentation and observation of a juvenile court CHIPS or JIPS proceeding. A CASA also must complete continuing training annually.

The supervisory support staff of a CASA program must be easily accessible to the CASAs, must hold regular case conferences with the CASAs and must conduct annual performance evaluations of the CASAs. A CASA program must provide its staff and volunteers with written guidelines describing the policies, practices and procedures of the CASA program and a CASA's responsibilities.

The bill provides that no person who is a party to the CHIPS or JIPS proceeding, who appears as counsel or guardian ad litem or who is a relative or representative of any party may be appointed as a CASA in that proceeding.

5. Communication to a Jury

The bill provides that if a CASA submits a written report or testifies orally in a jury trial, the court may tell the jury that the CASA represents the interests of the child for whom the CASA was designated.

6. Disclosure of Child Abuse and Neglect Reports and Records

Under current law, child abuse and neglect reports and records are confidential and may be disclosed only under certain exceptions. One of those exceptions permits those reports and records to be disclosed to a CASA to the extent necessary to perform the advocacy services in CHIPS proceedings for which the CASA program is recognized.

The bill retains this provision but changes the entity recognizing the CASA program as noted in item 1., above. The bill also adds disclosure to a CASA appointed for a juvenile in a JIPS proceeding based on being uncontrollable, habitually truant from home or school or a dropout from school.

7. Child Abuse and Neglect Reporting

The bill makes a CASA a mandatory reporter of suspected or threatened child abuse or neglect with respect to a child or juvenile seen in the course of the CASA's volunteer activities.

8. Immunity

The bill provides that a CASA volunteer or an employe of a CASA program is immune from civil liability for any act or omission of the volunteer or employe occurring while acting within the scope of his or her activities and authority as a CASA volunteer or employe.

B. SENATE SUBSTITUTE AMENDMENT 1 TO 1999 SENATE BILL 106

Senate Substitute Amendment 1 to 1999 Senate Bill 106 differs from the bill in the following respects:

1. The substitute amendment provides that the statutory CASA program *applies only to CHIPS proceedings*, rather than to both CHIPS and certain JIPS proceedings. Thus, the substitute amendment eliminates provisions relating to ch. 938, Stats., the Juvenile Justice Code. The substitute amendment also changes the relating clause to delete reference to juveniles in need of protection or services.

2. The substitute amendment provides that a CASA may be either a volunteer (as under the bill) *or an employe of the CASA program who is authorized to provide CASA services*. All of the provisions relating to CASAs who are volunteers apply on an equal basis to CASAs who are employes of a CASA program and authorized to provide CASA services, for example,

provisions relating to selection, training, supervision and evaluation, as well as provisions relating to CASA authority, activities and mandated reporting of suspected or threatened child abuse or neglect.

3. With respect to a CASA's activities described in item A. 2., above, the substitute amendment provides that the CASA is to *promote* the best interests of the child, rather than *advocate* for the best interests of the child.

4. The substitute amendment provides that if a juvenile court requests that a CASA program designate a CASA to undertake any of the activities described in item A. 2., above, the court order *may* authorize the CASA to have the authority described in item A. 3., above, rather than *requiring* that the court order include such authority.

5. The substitute amendment provides that the MOU may, if necessary for the efficient administration of the CASA program, provide for a *variance* from: (a) the CASA activities described in item A. 2., above; (b) the CASA authority described in item A. 3., above; and (c) the requirements relating to selection, training, supervision and evaluation of a CASA described in item A. 4., above.

6. The substitute amendment specifies that a CASA may exercise *any authority* in addition to the authority discussed in item A. 3., above, *that is consistent with the MOU*.

7. The substitute amendment *eliminates* the provision relating to communication with a jury described in item A. 5., above.

C. SENATE AMENDMENT 1 TO SENATE SUBSTITUTE AMENDMENT 1

Senate Amendment 1 to the substitute amendment specifies that if a CASA discloses any confidential information obtained in the course of exercising the CASA's authority under item A. 3. a. or b., above, the CASA is liable to any person damaged as a result of the disclosure for the damages that are proved and for the damaged person's court costs and reasonable actual attorney fees.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

JLK:tlu:ksm;jal;wu;tlu



JOHN P. STEINBRINK

STATE REPRESENTATIVE ■ SIXTY-FIFTH ASSEMBLY DISTRICT

February 29, 2000

Representative Bonnie Ladwig, Chairperson
Assembly Committee on Children and Families
113 – West
INTER-DEPARTMENTAL

Dear Chairperson Ladwig:

I would like to express my gratitude for your continued support of Assembly Bill 532, the "Drake London Bill". I appreciate the timely hearing that your committee held on November 30, 1999, as well as the tentative executive session which you have scheduled for March 2, 2000.

Since the public hearing in November, my office and the office of Senator Bob Wirch, the author of the Senate version of the Drake London bill, SB 106, have been working to create a better, more workable bill. Initially, the Wisconsin State Bar and the Milwaukee County CASA had expressed concerns with the Drake London bill. However, through cooperation and compromise, we have drafted a new substitute amendment, LRB0271/3, which addresses those concerns. As a result, both the Wisconsin State Bar and the Legal Aid Society, which houses the Milwaukee County CASA program, have expressed their support for the changes made in the substitute amendment.

I would like to take this opportunity to give you a little background on the issue and to explain the changes encompassed in the substitute amendment, which I have enclosed for your review.

The Drake London bill is a result of one of the most horrific instances of child abuse in Kenosha County history. Drake London, a 17 month old boy, was tortured and killed by his teenaged mother's boyfriend. Drake had been removed from his home when he was only three months old due to abuse and neglect and was placed in the loving care of a foster family. The court later determined that Drake should be returned to his birth mother's care, where he met his death five short months later.

The Drake London bill is an important piece of legislation, not only to myself and Senator Wirch, but to the people of Kenosha and Wisconsin who will never forget this tragedy. While we cannot bring Drake back, we want to do all that can to prevent this situation from happening again. We believe that Court Appointed Special Advocates can serve this function by providing the extra layer of protection that might save a child's life.

The substitute amendment makes the following changes to the original Assembly Bill 532:

- Removes all Chapter 938 (Juvenile Justice Code) references from the bill. Our original intent was to allow a court to request a CASA in JIPS cases as well as CHIPS cases. We have decided that this might extend the scope of the bill farther than necessary at this point, and would like to remove this authority.
- Removes language in the original bill that would allow a CASA volunteer to communicate with a jury. It was brought to our attention that this provision might have extended the authority of a CASA beyond that which was originally intended. Removing this language will not alter the role of a CASA volunteer in any way.
- Allows the parties to the memorandum of understanding (the judge and the CASA program) to vary the requirements on the authority given to a CASA as contained in the bill, if it deemed necessary for the efficient administration of the program. CASA programs around the state operate differently, and this would allow a program to vary these requirements if it would otherwise negatively affect the program.
- Replaces the language "advocate for the best interests of the child" with "promote the best interests of the child". This distinction was brought to our attention in an effort to clear up any legal confusion as to who represents the child in court.
- Adds that the authority and training of a CASA can also extend to the employee of the program. In special circumstances, the paid employee of the program may act as a CASA, but the old language delegated the authority only to the volunteer. The substitute amendment clarifies that this provision only applies if that employee is "authorized to provide court-appointed special advocate services."

I hope that this letter clarifies the progress that we have made and the changes that we have embodied in our substitute amendment to AB 532. In addition to the copy of the substitute amendment, I am also enclosing the Legislative Council memorandum drafted on the subject. (Please note that the memo is addressed to Senator Wirch, whose substitute amendment is identical to our own.)

Please contact our office with any questions you might have about this substitute amendment or any other aspect of the bill. I look forward to hearing from you and I hope to proceed with the proposed executive session on March 2nd.

Thank you again for your time and attention to this matter.

Sincerely,



John P. Steinbrink
State Representative
65th Assembly District



JOHN P. STEINBRINK

STATE REPRESENTATIVE ■ SIXTY-FIFTH ASSEMBLY DISTRICT

DATE: March 20, 2000
TO: Members, Wisconsin State Assembly
FROM: Rep. John Steinbrink
RE: **SB106/AB 532 & Substitute Amendment: The "Drake London" Bill – On Tuesday (3/21) calendar**

I would first like to express my gratitude to Rep. Bonnie Ladwig for her support of Senate Bill 106/Assembly Bill 532, the "Drake London Bill," and for her leadership on this important legislation as chair of the Children and Families Committee. I would also like to thank the Assembly leadership for their swift action to schedule this important legislation designed to augment our efforts to defend those children in our state who need it most: those who have been abused and neglected.

The Drake London bill is a result of one of the most horrific instances of child abuse in Kenosha County history, has broad, bi-partisan support and is sponsored by the entire delegation. Drake London, a 17-month-old boy, was tortured and killed by his teenaged mother's boyfriend. Drake had been removed from his home when he was only three months old due to abuse and neglect and was placed in the loving care of a foster family. The court later determined that Drake should be returned to his birth mother's care, where he met his death five short months later. While we cannot bring Drake back, we want to do all we can to prevent this situation from happening again. We believe that Court Appointed Special Advocates can serve this function by providing an extra layer of protection that can save a child's life.

This bill, adopted without objection in the Senate, would allow us to utilize a program proven to be very successful, and would apply only to children who have, like Drake, already been placed under the state's protection following severe abuse or neglect.

In addition, the legislation before the Assembly Tuesday has been modified to create a better, more workable bill. Initially, the Wisconsin State Bar and the Milwaukee County CASA had expressed concerns with the Drake London bill. However, through cooperation and compromise, we drafted a substitute amendment along with Senator Wirch that addresses those concerns and is the basis of the proposal under consideration Tuesday. As a result, both the Wisconsin State Bar and the Legal Aid Society, which houses the Milwaukee County CASA program, have expressed their support for the changes made in the substitute amendment, which:

- Allows local flexibility by allowing the parties to the memorandum of understanding (the judge and the CASA program) to vary the requirements on the authority given to a CASA if deemed necessary for the efficient administration of the program.
- Removes all Chapter 938 (Juvenile Justice Code) references from the bill. Inclusion of juveniles could extend the scope of the bill farther than necessary, and the sub removes this authority.
- Removes language in the original bill that would allow a CASA volunteer to communicate with a jury. Removing this language clarifies the role of the CASA in court proceedings and does not alter the role of a CASA volunteer in any way.
- Replaces the language "advocate for the best interests of the child" with "promote the best interests of the child". This distinction was brought to our attention in an effort to clear up any legal confusion as to who represents the child in court.
- Adds that the authority and training of a CASA can also extend to the employee of the program. In some circumstances, the paid employee of the program may act as a CASA, but the old language delegated the authority only to the volunteer. The sub clarifies that this provision only applies if that employee is "authorized to provide court-appointed special advocate services."
- ✓ In addition, an amendment added to SB 106 during Senate debate of the proposal clarifies the limits of the immunity provided by the legislation. Standards included under current law apply tough standards ensuring confidentiality, and this amendment makes absolutely clear that CASA volunteers may not violate the confidentiality agreements that are already integral to the relationship between CASAs and the courts.

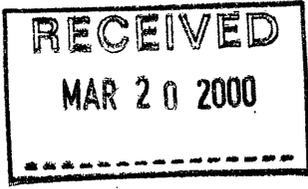
There is no responsibility we have as public servants greater than protecting our children from the abuse and neglect that robs them of their childhood, and in Drake's case, his life. We believe the legislation before you represents a balanced approach to address the needs of children who have already been judged in need of protection and services. The bill before you provides for local flexibility, ensures responsibility among those we trust to work with these children, creates no new program or bureaucracy, and most importantly allows loving, trained and responsible people precluded from helping Drake London to help us live up to our responsibilities to defend the defenseless.

I ask for your support of SB 106 today, and certainly welcome any comments or questions you may have regarding this proposal or the changes that have been made. Thank you for your time and consideration, and best wishes.

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FAX: 266-7038
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KENOSHA, WI 53142
(414) 694-5863



CHILDREN'S SERVICE SOCIETY OF WISCONSIN

March 15, 2000

TO: Members of the Wisconsin State Assembly

FROM: Marsha Varvil-Weld, Director, Dane County CASA Program

SUBJECT: Senate Bill 106/Assembly Bill 532, the "Drake London Bill"

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 the State of Wisconsin

You might be getting calls regarding the Drake London bill, SB 106/AB 532, which passed the Senate by a voice vote last week. From what I have heard, there is a lot of misinformation being spread about the Court-Appointed Special Advocate (CASA) program, and I am writing to try and clear up any confusion these calls might be generating.

- **SB 106 only allows CASA volunteers to be appointed in Children in Need of Protective Services (CHIPS) cases.**
 These volunteers are only used in cases where abuse or neglect has already been identified by the system. Judges are given the discretion to determine when a CASA volunteer should be appointed, and even then CASAs are ordered only in the worst cases of child abuse.
- **The Drake London bill does not introduce any new program.**
 CASA volunteers already visit with children and their families. The Drake London bill does not introduce any new program into the system, it merely statutorily identifies a program that is already being used to augment the child protection system, and sets standards by which those programs must operate. These standards are all in compliance with national CASA program standards. CASA programs came into existence nationally in 1977, and there are approximately 850 programs nationally. Seven counties in Wisconsin already have CASA programs, including Milwaukee, Dane, Brown, Kenosha, Columbia/Sauk, LaCrosse, and Fond du Lac counties and the Red Cliff tribe in Bayfield County. In addition, Marathon and Iowa Counties are talking about setting up their own programs.
- **Rather than allowing volunteers to go into homes without cause, the Drake London Bill does exactly the opposite.**
 It gives a degree of accountability to the CASA volunteer. This bill codifies the CASAs role and makes them mandatory reporters of child abuse. It also seeks to protect a parent's rights by allowing them to refuse a CASA volunteer into the home.
- **CASA Volunteers go through an intense screening and training program.**
 The bill does stipulate that a background check must be performed, and the CASA must undergo training, but it does not specifically stipulate what form these must take.
- **CASA program already plays a role in the protection of children.**
 The CASA volunteer's role is to monitor court orders to see that the orders are being followed and that services ordered by the court are being received. The CASA does this by visiting in-home weekly with a child to see how things are progressing. On a monthly basis, the CASA will also contact all service providers to the child (i.e. any day-care, schools, therapists, etc.) to see how the child is doing. Like others involved in CHIPS cases, CASA workers have limited immunity when operating in good faith. The CASA submits a written report each month to the CASA office, which is then forwarded on to the judge, social worker and guardian ad litem, and any other party to the case to let them know if court orders are being followed and if the child is safe.
- **The Drake London bill has a broad base of support.**
 The Senate passed SB 106 by a voice vote, and the bill is supported by Wisconsin State Bar, all Wisconsin CASA programs, Drake's foster parents as well as foster parents around the state, the Attorney General, State Director of Courts and the Department of Health and Family Services.

I hope this clears up any confusion you may have. If you have any questions about this bill or CASA role, please feel free to contact me at the Dane County CASA office at (608) 221-3511. Senator Wirch and Representative Steinbrink are also always available to answer any questions you may have.

Respectfully,

 Marsha L. Varvil-Weld, M.S.
 CASA Coordinator





JOHN P. STEINBRINK

STATE REPRESENTATIVE ■ SIXTY-FIFTH ASSEMBLY DISTRICT

February 29, 2000

Representative Bonnie Ladwig, Chairperson
Assembly Committee on Children and Families
113 – West
INTER-DEPARTMENTAL

Dear Chairperson Ladwig:

I would like to express my gratitude for your continued support of Assembly Bill 532, the "Drake London Bill". I appreciate the timely hearing that your committee held on November 30, 1999, as well as the tentative executive session which you have scheduled for March 2, 2000.

Since the public hearing in November, my office and the office of Senator Bob Wirth, the author of the Senate version of the Drake London bill, SB 106, have been working to create a better, more workable bill. Initially, the Wisconsin State Bar and the Milwaukee County CASA had expressed concerns with the Drake London bill. However, through cooperation and compromise, we have drafted a new substitute amendment, LRB0271/3, which addresses those concerns. As a result, both the Wisconsin State Bar and the Legal Aid Society, which houses the Milwaukee County CASA program, have expressed their support for the changes made in the substitute amendment.

I would like to take this opportunity to give you a little background on the issue and to explain the changes encompassed in the substitute amendment, which I have enclosed for your review.

The Drake London bill is a result of one of the most horrific instances of child abuse in Kenosha County history. Drake London, a 17 month old boy, was tortured and killed by his teenaged mother's boyfriend. Drake had been removed from his home when he was only three months old due to abuse and neglect and was placed in the loving care of a foster family. The court later determined that Drake should be returned to his birth mother's care, where he met his death five short months later.

The Drake London bill is an important piece of legislation, not only to myself and Senator Wirth, but to the people of Kenosha and Wisconsin who will never forget this tragedy. While we cannot bring Drake back, we want to do all that can to prevent this situation from happening again. We believe that Court Appointed Special Advocates can serve this function by providing the extra layer of protection that might save a child's life.

The substitute amendment makes the following changes to the original Assembly Bill 532:

- Removes all Chapter 938 (Juvenile Justice Code) references from the bill. Our original intent was to allow a court to request a CASA in JIPS cases as well as CHIPS cases. We have decided that this might extend the scope of the bill farther than necessary at this point, and would like to remove this authority.
- Removes language in the original bill that would allow a CASA volunteer to communicate with a jury. It was brought to our attention that this provision might have extended the authority of a CASA beyond that which was originally intended. Removing this language will not alter the role of a CASA volunteer in any way.
- Allows the parties to the memorandum of understanding (the judge and the CASA program) to vary the requirements on the authority given to a CASA as contained in the bill, if it deemed necessary for the efficient administration of the program. CASA programs around the state operate differently, and this would allow a program to vary these requirements if it would otherwise negatively affect the program.
- Replaces the language “advocate for the best interests of the child” with “promote the best interests of the child”. This distinction was brought to our attention in an effort to clear up any legal confusion as to who represents the child in court.
- Adds that the authority and training of a CASA can also extend to the employee of the program. In special circumstances, the paid employee of the program may act as a CASA, but the old language delegated the authority only to the volunteer. The substitute amendment clarifies that this provision only applies if that employee is “authorized to provide court-appointed special advocate services.”

I hope that this letter clarifies the progress that we have made and the changes that we have embodied in our substitute amendment to AB 532. In addition to the copy of the substitute amendment, I am also enclosing the Legislative Council memorandum drafted on the subject. (Please note that the memo is addressed to Senator Wirch, whose substitute amendment is identical to our own.)

Please contact our office with any questions you might have about this substitute amendment or any other aspect of the bill. I look forward to hearing from you and I hope to proceed with the proposed executive session on March 2nd.

Thank you again for your time and attention to this matter.

Sincerely,



John P. Steinbrink
State Representative
65th Assembly District



**STATE BAR
of WISCONSIN**

5302 Eastpark Blvd.
P.O. Box 7158
Madison, WI 53707-7158

MEMORANDUM

To: Assembly Committee on Children and Families
From: Children and the Law Section
Date: March 2, 2000
Re: Assembly Bill 532--Court Appointed Special Advocates

The State Bar's Children and the Law Section supports the laudable goals of Assembly bill 532 and Court Appointed Advocates for Children (CASA) programs in helping children in need of protection from abuse and neglect. The Section also appreciates the opportunity provided by the bill authors, Senator Bob Wirth and Representative John Steinbrink, to work together on substitute language.

The substitute amendment provides the local organizers and judges with flexibility as they draft their memorandum of understanding—the blueprint that will dictate the day-to-day operation of their CASA. The statutes will provide the framework and yet allow the local groups and judges to develop a process and procedures that will fit best in their area through the memorandum of understanding.

The substitute amendment also eliminates juveniles from the program. Currently, there are no CASA programs that provide services for juveniles who would be prosecuted under Chapter 938. It is not necessary since a CHIPS order under Chapter 48 can extend until a child reaches adulthood.

Finally, the substitute language makes technical changes regarding certain legal procedures and definitions.

The Children and the Law Section encourages you to support the substitute amendment to Assembly Bill 532.



Milwaukee Journal Sentinel December 1, 1999

Child abuse bill proposes monitoring protection

Measure allows volunteers to watch, interview victims; opponent calls it intrusive

By DENNIS CHAPMAN
of the Journal Sentinel staff

Madison — A bill allowing Wisconsin's juvenile courts to enlist the help of trained volunteers to keep tabs on abused children would provide another tool to combat child abuse, its co-author said Tuesday.

"It will provide another layer of protection for those children already in the court system," Sen. Robert Wirch (D-Kenosha) told the Assembly Children and Families Committee.

Called the "Drake London Bill" after a 17-month-old Kenosha

boy who was killed nearly three years ago after a beating by his mother's former boyfriend, the measure seeks to use the volunteers to monitor children who have been abused.

The volunteers, part of the Court Appointed Special Advocate program, would be allowed to maintain regular contact with the children and monitor their home lives. It also allows them to interview the children without parental consent.

"Child protective service workers, some with staggering caseloads, can't possibly keep in touch with at-risk families. We need others to help," said Wirch, who sponsored the bill with Rep. John Steinbrink (D-Pleasant Prairie). Wirch sponsored similar legislation in the last session, but it failed to pass.

Kenosha County District Attorney Robert Jambois told committee members that the Court Appointed Special Advocate volunteers would be a crucial link between the home and the courts.

"The most tragic mistakes made by the juvenile court system regarding placement of children at risk invariably can be attributed to the court being unaware of what is actually occurring in the child's home," Jambois said.

But Marvin Munyon, president of the Madison-based Family Research Institute, questioned the legislation, saying the bill encourages intrusion into family and home life.

"We're opposed to child abuse and would like to see it stopped, but this is not the

way," Munyon told lawmakers. "It just adds another layer of bureaucracy and allows intervening in people's lives."

The committee also heard testimony on a bill by Rep. Bonnie Ladwig (R-Mount Pleasant) that proposes the creation of a state birth defect surveillance program.

Ladwig said the bill calls for physicians and clinics to report defects identified in children under age 2 to the state Department of Health and Family Services. With the parents' consent, the information would be provided to local health authorities to link families with available programs.

"We are trying to help prevent birth defects and get services to the parents of children with birth defects," said Ladwig,

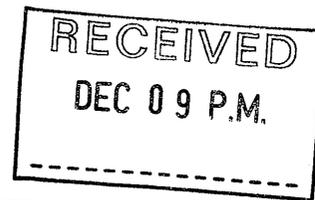
who said the data could also help identify risk factors, trends and strategies for prevention.

Each year in Wisconsin about 2,000 children are born with some sort of birth defect, she said.

Privacy concerns have been raised about the information and how it would be shared. But Christine Cronk, of the Division of Public Health's Office of Children with Special Health Needs, said only a two-person registry staff would have access to the information. The staff would sign confidentiality agreements, and the information would be reached only on stand-alone computers accessible only by the staff, she said. The information could not be subpoenaed by courts or shared with other state agencies, Cronk said.

Robert & Rosemary Albrecht

115 East Fitzsimmons Road
Oak Creek, Wisconsin 53154



December 7, 1999

The Honorable Bonnie Ladwig
State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Representative Ladwig:

Thank you for giving us the opportunity to speak before the Committee on Children and Families in support of Assembly Bill 532.

We have had some time to reflect on the questions posed at the hearing and would like to make some additional comments.

Liability: As CASA volunteers in Milwaukee, we see children and families almost weekly. During our CASA training on abuse and neglect, we are instructed that if we see any signs of abuse or neglect, we have an obligation to report it. An important fact to point out is that while the people we assist in the legal aid department are fully protected from any liability, we CASA volunteers currently have no liability protection.

Reporting: As a matter of practice, any contacts & findings should be documented not only by CASA volunteers, but all those assigned to the case. There are no special skills required in writing a report of their investigation. CASA volunteers report on their findings and observations. Again, writing and submitting reports is an important part of the training the CASA volunteer receives.

Investigation: Although our title reflects court appointed, currently we are not appointed by the court. In discussions with other CASA programs throughout the country, CASA volunteers are appointed to a case by the presiding judge, with the CASA program under the auspices of the Chief Judge, thereby legitimatising the term "court appointed" special advocate. When appointed by the court, the court appointed special advocate receives more credibility and allows access to records necessary in their investigation.

Confidentiality: Any volunteer, whether it be someone who transports patients along with medical records from one part of the hospital to another or a CASA volunteer, understands and is instructed about confidentiality.

CASA volunteers are not employed. CASA volunteers carry a limited number of cases at one time, enabling them to devote more attention to each case. CASA volunteers have no political agendas. CASA volunteers do not burden the taxpayer with additional revenues.

Except for having common sense, the only absolute requirement for a court appointed special advocate is concern and love for children.

This is an important bill. We must do everything possible, use every means possible, to ensure the safety and well being of children.

Please let us know if we can assist in any way possible to help in passing this bill as quickly as possible.

Sincerely,

A handwritten signature in cursive script that reads "Rosemary Albrecht". The signature is written in black ink and is positioned above the printed name.

Robert & Rosemary Albrecht



CHILDREN'S SERVICE SOCIETY OF WISCONSIN

RECEIVED
DEC 08 P.M.

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Chartered in 1889
Licensed as
a child placing agency by
the State of Wisconsin

December 7, 1999

Representative Bonnie Ladwig
113 - West
P.O. Box 8952
Wisconsin State Capitol
Madison, WI 53708

Dear Representative Ladwig,

I am the director of the Dane County Court Appointed Special Advocate (CASA) Program and the Wisconsin State Representative to National CASA.

Enclosed is a copy of my testimony for Assembly Bill 532. I presented part of this information to you at the hearing on November 30, 1999. However, due to the time constraints imposed, was unable to provide all of the information which I felt might be useful to you in considering AB 532.

I have tried to address the concerns that were brought up regarding this legislation. Certainly, if you have other issues I have not identified, I would be happy to address them in any way I can.

I will contact your office in the next few weeks to see if you have any further questions or concerns. I would welcome the opportunity to meet with you to discuss AB 532. Please also feel free to contact me at (608) 221-3511, if I can provide you with any additional information. Thank you for your consideration of Assembly Bill 532.

Respectfully,
Marsha L. Varvil-Weld
Marsha L. Varvil-Weld, M.S.
Dane County CASA Director

MLVW/ab



Assembly Bill 532 Testimony

My name is Marsha Varvil-Weld. I am the Director of the Dane County Court Appointed Advocate Program and the Wisconsin Representative to the National CASA Association. First, I want to thank all of you for your time and attention to this important piece of legislation regarding CASA. I want to strongly encourage all of you to support Assembly Bill 532.

CASAs are specially trained volunteers who work with abused and neglected children. They are appointed by the court to monitor court orders. CASAs do this by going into the home of an abused child and visiting with that child on a weekly basis. They talk with the child to see how he or she is doing. On a monthly basis, they visit the school, talk with the teacher, talk with the therapist if there is one. They talk with the daycare provider, they talk with anyone providing services to the child to see how things are going. They check to see that the child is receiving the services the court has ordered. And, each month, the CASA writes a report to the court, the GAL and social worker letting them know how things are going for the child. They let them know if court orders are being followed. And, they let them know if the child is safe.

CASA volunteers do all of this because they care about children. They are strictly volunteers. They receive no compensation of any kind. There are several CASA volunteers here today. They came because they believe Assembly Bill 532 is important. It is important enough for them to take time off from work to be here. I believe it is important that we support them with this bill.

I want to address some concerns that have come up about this bill. You may have heard concerns that CASA volunteers could or would like to replace GAL attorneys in Wisconsin. Many states use CASA volunteers instead of GAL attorneys. I would like to state that CASA volunteers would have no interest in replacing GAL attorneys. There is no CASA program in Wisconsin that would support replacing GAL attorneys with CASA volunteers. CASA volunteers are not legal professionals, they do not provide the same information or perform the same role as GAL attorneys. Nationally, studies that have been done show that the most effective representation for children is a GAL attorney and a trained volunteer. Wisconsin is one of the states that has the luxury of providing both a GAL attorney and a CASA volunteer.

There are currently seven CASA programs in Wisconsin, and, with the exception of Milwaukee, six of the CASA programs in Wisconsin support this bill. Why do we support it? First, because Assembly Bill 532 sets minimum standards by which all programs must operate. This is an opportune time for Wisconsin to introduce this legislation. With the exception of Dane County and Milwaukee, most of the other programs in Wisconsin are fairly new. There are several other counties that have expressed an interest in developing CASA programs. It makes logical sense that now is the time to set standards so that all programs have minimal standards by which they must operate. As a group, CASA directors have addressed this very issue. In April of 1999, we adopted a set of standards for Wisconsin CASA Programs. However,

currently unless programs choose to voluntarily comply with those standards, there is no way they can be maintained. Assembly Bill 532 reflects those standards. By standards, I refer to the "activities" that a CASA may perform which are outlined in this bill. These standards were deliberately kept general to allow each jurisdiction to adapt to its own local practices, while still maintaining the general integrity of the CASA role. Further, each jurisdiction may deviate from these activities by delineating policies and procedures in the agreement which is developed between the individual court, the program and human services which is called the memorandum of understanding.

Assembly Bill 532 also sets standards for screening and training of CASA volunteers. It stipulates that CASA volunteers must receive on-going training in order to perform their role which is to advocate for the best interests of the child. This is VERY important work that these volunteers are doing. They are advocating for these children. They are attempting to keep children safe. These are very high-risk children. These are children who have already experienced abuse and/or neglect. The court has already determined that they are children in need of protection and services. CASA volunteers need to be thoroughly screened and trained. We cannot afford to take any additional risks with children who have already undergone the trauma some of these children have experienced.

Assembly Bill 532 makes CASA volunteers mandatory reporters. The basic premise of CASA is to keep children safe. By program policy, currently all programs make the CASA a mandatory reporter. Is this an added burden to the volunteer? I believe it relieves the burden from the volunteer. They do not have to make the decision to report. It is required. They are trained on how to report, who to report to, the signs and symptoms of abuse. If they see it, they report it. They don't have the burden of deciding whether or not to report. Then the professionals can investigate. We do not make the decisions. We only report. The professionals still have to determine whether or not to substantiate the abuse or neglect.

Some concerns have been raised about possible increased liability from making CASAs mandatory reporters. In researching this with the National CASA Association, there have been only a handful of suits filed against CASAs or CASA programs. National CASA has been in existence since 1977. I would consider a lawsuit unlikely based on the number of years CASA has been operating. There are over 840 programs nationally operating in every state. Of the handful of lawsuits that have been filed, all of those lawsuits were dismissed on the grounds that CASAs are an arm of the court and are therefore granted a quasi-judicial immunity. In Foster vs. Washoe County, the Nevada Supreme Court held that a CASA volunteer was entitled to absolute quasi-judicial immunity. Neither the U.S. Supreme Court, the U.S. Court of Appeals for the Seventh Circuit Court, nor any Wisconsin appellate level court has ruled on the issue of liability for CASAs. Therefore, there is no definitive answer about whether or not CASAs would be granted quasi-judicial immunity. However, there have been rulings by the Wisconsin Supreme Court, and the U.S. Supreme Court in which absolute immunity have been extended to various individuals whose adjudicatory functions have warranted protection.

Assembly Bill 532 grants CASAs civil immunity from liability while performing activities as prescribed by the bill. CASAs currently do not have immunity. It is assumed that immunity would be granted based on other uses of civil immunity. This bill mandates it. I believe that if we are asking persons to volunteer their time and their efforts toward helping the abused and neglected children of Wisconsin, the least we can do as a state is to put in the legislation some direct statute to protect those volunteers from liability. It has also been brought up that CASAs could be held under some forms of criminal liability. However, for criminal liability, intent must be proven. This would be extremely difficult to prove, and indeed, if criminal intent were definitively proven, I would hope that a CASA would be held liable.

Concerns have also been raised about CASA volunteers and confidential records. I would point out that CASA volunteers are already in the statute in Chapter 48 and have been granted access to records. Logically, AB 532 should be passed to assure all CASA volunteers are appropriately screened and trained since they already have access to confidential records.

How does Assembly Bill 532 affect current CASA organizations? There would be no changes to current policies or practices. This bill is in compliance with the current standards and practices adopted by the Wisconsin CASA Association. It reflects standards set by the National CASA Association. This bill has been very thoughtfully and carefully drafted. It has been redrafted several times since the initial introduction to the legislature. This bill has had input from CASA directors. It is endorsed by six of the seven CASA programs in Wisconsin. CASA may not prevent more cases like Drake London from occurring, but CASA is about keeping children safe. We need legislation to regulate these programs that provide that very critical role for the courts. We need legislation to insure that all CASA programs perform similar activities and screen and train their volunteers in an appropriate manner.

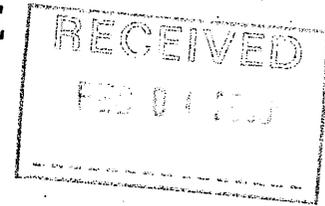
Finally, I would like to stress that AB 532 is not about whether or not to have CASA volunteers or CASA programs. The courts have already determined there is a need for CASA. They have developed these seven programs and hope to develop more. The issue is, do we want to regulate CASA volunteers? AB 532 regulates activities CASA volunteers can perform and requires background checks and training for CASAs. I think it makes logical sense that in such a critical area, we set minimal standards to assure some quality of services and that CASA volunteers are all well-trained. We need your support to pass Assembly Bill 532.

Thank you for your time and attention to Assembly Bill 532.

WISCONSIN LEGISLATURE



Kenosha Delegation



February 1, 2000

Representative Bonnie Ladwig, Chairperson
Assembly Committee on Children and Families
113-West
INTER-DEPARTMENTAL

Dear Representative Ladwig:

We want to extend our sincere thanks to you for holding a hearing on Assembly Bill 532, the "Drake London" bill. After hearing the testimony before the Assembly, we made several changes to the original language of AB 532 to address some of the concerns that were raised. We have encompassed these changes into a substitute amendment (LRB s0271/2), and hope the Committee would consider this amendment.

The substitute amendment we are forwarding (LRBs0271/2) makes the following changes to AB 532:

- Removes all Chapter 938 (Juvenile Justice Code) references from the bill. Our original intent was to allow a court to request a CASA in JIPS cases as well as CHIPS cases. We have decided this might extend the scope of the bill farther than necessary at this point, and would like to remove this authority.
- Removes language in the original bill that would allow a CASA volunteer to communicate with a jury. It was brought to our attention that this provision may have extended the authority of a CASA beyond what was originally intended. Removing this language will not alter the role a CASA volunteer might play in any way.
- Allows the parties to the memorandum of understanding (the judge and the CASA program) to vary the requirements on the authority given to a CASA as contained in the bill, if it is necessary for the efficient administration of the program. CASA programs around the state operate differently, and this would allow a program to vary these requirements if it would otherwise negatively affect the program.
- The substitute amendment also replaces "advocate for the best interests of the child" language with "promote the best interests of the child" to clear up any legal confusion as to who legally represents the child in court.

Representative John P. Steinbrink
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(608) 266-0455
Fax: (608) 282-3665
Rep.Steinbrink@legis.state.wi.us



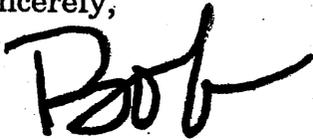
Senator Robert Wirch
P.O. Box 7882
Madison, Wisconsin 53707-7882
(608) 267-8979
Fax: (608) 267-0984
Sen.Wirch@legis.state.wi.us

We have been working since last session to forward the Drake London bill, and have made several compromises along the way. What is encompassed in the substitute amendment represents a package that addresses several concerns made by the Wisconsin State Bar and Milwaukee's CASA program. With these changes, both groups have decided to support the legislation.

On February 1st, the Senate Judiciary Committee held a hearing on SB 106, the companion to AB 532. Although no action was taken at that time, we are also hopeful the Senate Committee will consider the substitute amendment to SB 106 (LRBs0270/2) as well.

Thank you again for having a hearing on AB 532. We have enclosed a copy of the substitute amendment as well as a memo from the Legislative Council. I hope this information is useful, and I hope the Committee can consider the substitute amendment.

Sincerely,



ROBERT W. WIRCH
State Senator
22nd Senate District



JOHN STEINBRINK
State Representative
65th Assembly District

cc: Members of the Assembly Committee on Children and Families

Susan M. Gehring
11000 120th Ave.
Pleasant Prairie, WI 53158
262-857-2466

Nov. 30, 1999

Dear Representative Ladwig and Committee Members:

As you consider Assembly Bill 532, I would like to comment in favor of this piece of legislation for several specific reasons. Having been a foster parent 1990-1996, my experience includes situations in which children had been returned to birth parents, only to have those children back in the foster care system within months, damaged and traumatized yet again. There is a dire need for the type of follow-up that volunteer advocates can provide, as specified in this bill.

Those who may oppose this legislation due to existing Guardian ad litem statutes (48.235(3)) must acknowledge the reality that most of these attorneys do not fulfill their statutory obligations. Therefore, these children do not have someone who knows them, meets with them, or knowledgably advocates for their best interests. Assembly Bill 532 provides just such an advocate.

Lastly, the concern that AB 532 is an intrusion into the privacy of a family lacks validity because this legislation is specifically focused for the most vulnerable, at-risk children. Children In Need of Protection and Services (CHIPS) are those already in the court system due to issues within the family, and are the sole subjects of this bill.

Given the legislative purpose of Chapter 48, "the best interests of the child or unborn child shall always be of paramount consideration", it becomes quite clear that Assembly Bill 532 provides for the best interests of Wisconsin's most defenseless citizens, children determined to be CHIPS.

Thank you for your consideration of these comments.

Respectfully,


Susan Gehring

Founder, Kenosha County CASA

AB-532

How many of you have seen a child in a casket?

It's something that you would never forget, especially if the child has visible bruises on his face and head from being beaten and tortured to death. It becomes more difficult to forget when this child has lived in your home, and your memories of him are laughter, and him being a happy child.

WHAT HAPPENED?

I'll tell you no one looked out for Drake London's safety.

After children are returned to their biological parents after being in a foster home who looks out for the child's best interest?

The child's biological parents? Maybe, but maybe they are still dealing with their own issues of drugs, alcohol, anger or maybe being a teen.

Social workers? with the work load of social workers, the child is lucky to see a worker once a month.

The Court Appointed Special Advocate is a program for the children at risk. Trained **volunteers** are used to visit with the child weekly and make sure that the child is safe and advocate for the child's best interest. A **volunteer** may bring a different view to a child's situation where a professional may not have the time to even know who the child is because of their case load.

This legislation will give the Judges in Wisconsin another tool to try to make HOME a safe place for children.

This bill targets preschool aged children because they have no one checking up on them like a teacher.

If you disagree or know someone who disagrees with this bill, YOU need to answer this question How many bruises or how many broken bones does a child have to endure before you say enough is enough?

October 19, 1999

TO: Samantha, Representative Porter's Office
FROM: Amber, Senator Wirch's Office
SUBJECT: "Drake London" Bill - Senate Bill 106/Assembly Bill 532

What it does:

Just over two years ago, several concerned Kenoshans contacted me about the death of a 17 month old baby – Drake London. Drake was tortured and beaten to death by his mother's boyfriend while his mother stood by and did nothing to stop it. Drake's death is still considered one of the worst cases of child abuse in Kenosha history.

Earlier, Drake had been in foster care. After Drake's death, we discussed different options about what could be done to prevent more kids from dying at the hand of their parents. The bill that we came up with outlines the Court-Appointed Special Advocate (CASA) program in the statutes. Right now, the CASA program gets little recognition in the statutes, and this bill will recognize their authority. The bill utilizes the **volunteer efforts** of a CASA to provide an added protection for children or juveniles in need of protection or services.

How CASAs work:

CASAs are specially trained volunteers who serve as the "eyes and ears" of the courts to promote the best interests of abused and/or neglected children. CASA programs have been operating since 1977, and are in existence in every state. There are approximately 650 programs in operation nationally. Wisconsin has CASA programs in Milwaukee, Dane, Brown, Kenosha, Columbia/Sauk, LaCrosse, and Fond du Lac counties.

A CASA volunteer can be ordered by the court in cases of abuse or neglect. The CASA volunteer's general role is to monitor court orders to see that the orders are being followed and that services ordered by the court are being received. The CASA does this by visiting in-home weekly with a child to see how things are progressing. On a monthly basis, the CASA will also contact all service providers to the child (i.e. any day-care, schools, therapists, etc.) to see how the child is doing. The CASA then writes a written report each month to the CASA office, which is then forwarded on to the judge, social worker and guardian ad litem to let them know if court orders are being followed and if the child is safe.

CASAs go through a fairly intense screening and training program before being assigned to a child. The bill does stipulate that a background check must be performed, and the CASA must undergo training, but it does not specifically stipulate what form these must take. This language was kept intentionally broad, because not all CASA programs in Wisconsin do everything the same way.

Specifics:

- The bill permits the CASA to gather information and make observations about the child or juvenile and any other person residing in the home
- The bill permits the CASA to maintain regular contact with the child, and monitor the appropriateness and safety of the living environment, and make sure the child is given all services provided under the consent decree
- The bill allows CASAs to inspect any reports and records relating to the child, his or her family and any other person living in the same house as the child. All information must be kept confidential
- The bill allows CASAs to observe the child in his or her living environment and interview the child if old enough to communicate. The CASA can also interview the parent, guardian, legal custodian or other caregiver, and anyone else who might have information about the child
- The CASA may interview the child at any location without the parent's consent, but may not enter the home without the permission of the parent
- The bill provides immunity for CASA volunteers if the volunteer has performed in good faith.
- The bill makes a CASA a mandatory reporter of suspected or threatened child abuse or neglect

Why legislators should support/cosponsor:

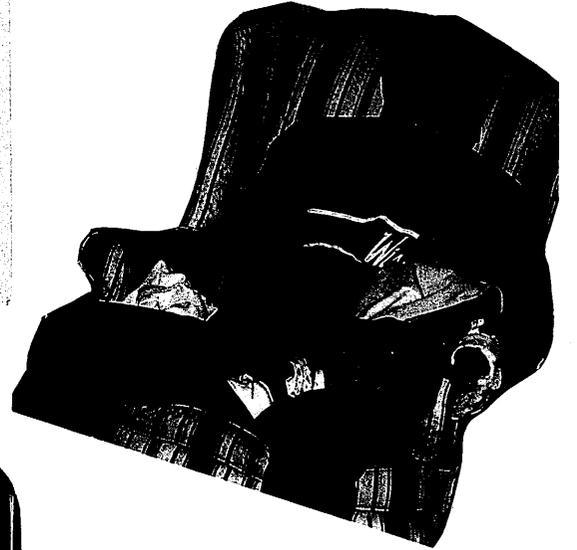
- CASAs need formal recognition in the statutes. The program continues to expand, and formal recognition will make their duties clearer. The CASA program is trying to set up a statewide organization rather than having the autonomous county programs, and statutory language would help them accomplish this
- The bill is another measure to protect children from abuse and neglect. [REDACTED]
[REDACTED]
- The bill has the full support of almost every Wisconsin county CASA program (including Dane County), the Foster Parent Association, DHFS, Kenosha County Human Services, and many others
- 1 to 2 million children are abused or neglected every year in the United States. 1000 children are beaten, shaken, drowned, suffocated, or poisoned to death each year. 16 kids were killed in Wisconsin in 1995 and as many as 18 children killed in 1996



Drake William London

Born
July 28, 1995

Died
January 20, 1997



About two and a half years ago an atrocity happened in Kenosha County. A child was murdered. The murder of anyone is terrible, the murder of a child is unthinkable. The murder of a child that was returned to the biological parents from Foster Care is beyond comprehension. My Husband and I were numb. We loved, cared, cuddled, fed, bathed, changed, and sung to Drake London. He was a real person, a real baby, a real child.

I am here today to tell you that even though so much time has passed since Drake's death, the need for the Drake London law grows each day. As you can see, I have two pins on my shirt. One is Drake, the other is Joseph Poe, murdered, allegedly, by his aunt last summer. Two children, two murders, two who could have benefited from the extra eyes and ears the Drake London law proposes.

I have heard all the arguments against the Drake London law. I have had discussions with Guardian's ad Litem (G.A.L.'s) about the state law that says they must visit the children to whom they are assigned. One GAL said that he doesn't get paid enough to do all the law demands. My answer to him was "Get out of the business if you can't follow the law!" I have heard the arguments that Wisconsin already has a law similar to the proposed Drake London law (the law about the GAL having to visit the child). What good is the law if it is not enforced? I have had to write a Judge and request a hearing to have a GAL explain to the Judge why he wasn't contacting us for information about the child placed in our home. These children are real, not just a case number. They have adults make decisions for them with out asking what they want. The child doesn't have a say in what would make their life more bearable, livable, and happy.

I have heard the argument that Court Appointed Special Advocate (CASA) workers are "lay" people and that they shouldn't be doing a "professional's" job. As a "professional," I welcome and relish anyone who would volunteer to help me with my work load. Especially someone who could meet weekly with my clients and help me meet and maybe exceed the demands of the law.

I have heard the arguments about what would happen if the GAL and the CASA workers disagree in their findings. The Federal Government passed law that says the BEST INTEREST OF THE CHILD IS PARAMOUNT! Wisconsin law says THE BEST INTEREST OF THE CHILD IS PARAMOUNT! If a GAL and a CASA worker disagree with each other's findings, well, isn't that why a Judge hears the case, to make difficult decisions and always with the BEST INTEREST OF THE CHILD in mind?

We have lived through the death of one foster child. We attended the funeral of Drake. We attended the trials of Sara Snodie and Donell McKinnie (Drake's mother and her boyfriend). We have consoled another Foster Parent as she was told the baby she loved and cared for was murdered. We have cried, reminisced, visited graves and prayed. We are advocates for the BEST INTEREST OF CHILDREN.

The State of Wisconsin needs the DRAKE LONDON LAW. We need all the protection we can for our at risk population. We need to make sure other children are safe when they are returned to their biological parents. I hope I do not have to stand in front of you in a year, with yet another dead child's picture on my shirt. Let us make our children safe. Let us have one more set of eyes and ears to report to the Judicial Branch. Let us go forward with the Drake London Law.



NOV 24 1999

CASA of Brown County
Member of The National Court Appointed Special Advocate Association

November 21, 1999

Sen. Robert W. Wirch
State Senator, 22nd District
State Capitol
P. O. Box 7882
Madison, WI 53707-7882

Dear Sen. Wirch:

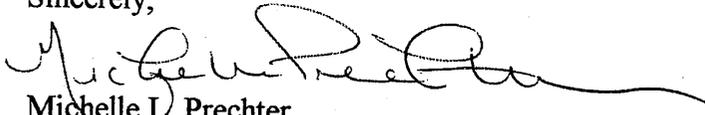
I am writing to you on behalf of CASA of Brown County in support of the "Drake London" Bill (Assembly Bill 532). I would ask that you provide this letter to the committee members as written testimony of my full support of this Bill.

The CASA program was created in 1977 by a juvenile court judge in Washington. Since that time, CASA has expanded to all fifty states, and currently there are 770 programs and over 42,000 individual volunteers speaking up for 172,000 abused and neglected children across the nation. However, because Wisconsin was the 49th state to begin a CASA program, CASA is still relatively new in Wisconsin.

CASA volunteers assist in making sure that these children do not fall through the cracks with weekly visits and providing all parties with monthly reports that help ensure that the best interests of the child is met. There are still many counties in this state that do not have a CASA program. Enacting this bill into law will not only assist existing CASA programs but will also encourage the growth and development of new CASA programs, thus, enabling CASA to serve more abused and neglected children throughout the state.

I would like to thank you for your time and attention to this important matter.

Sincerely,



Michelle L. Prechter
Director

NOV 29 1999



Chambers of
Judge S. Michael Wilk
Circuit Court, Branch 7
County Courthouse
912 - 56th Street
Kenosha, Wisconsin 53140-3747
(414) 653-2469
(414) 653-2435 Fax

November 26, 1999

Senator Robert W. Wirch
P.O. Box 7882
Madison, Wisconsin 53707-7882

Re: Drake London bill

Dear Bob,

Thanks to you for introducing the "Drake London" bill in the State Senate, and to John Steinbrink, Jim Krueser, and Cloyd Porter for doing the same in the Assembly.

This law will help protect children from the risks of child abuse and neglect. An extra person concerned about the child's welfare acting as an extra pair of eyes, making regular contact and monitoring appropriateness and safety certainly appears to be in the best interests of children.

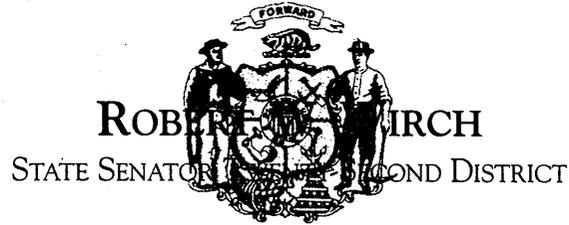
As a former Juvenile Court Judge in Kenosha, I support your efforts to enact this legislation. Please share this information with Representative Ladwig at the hearing of the Assembly Committee on Children and Families on November 30. Good luck.

Sincerely,

A handwritten signature in cursive script that reads "S. Michael Wilk".

S. Michael Wilk
Circuit Judge, Br. 7

cc. Reps, Steinbrink, Krueser and Porter



**Testimony before the Assembly Committee on Children and Families
by
Senator Robert Wirch
Assembly Bill 532
November 30, 1999**

Thank you Representative Ladwig, and members of the Committee for allowing us the opportunity to have our concerns heard at this public hearing.

Just over two years ago, several concerned Kenoshans contacted me about the death of a 17 month old baby – Drake London. Drake was tortured and beaten to death by his mother’s boyfriend while his mother stood by and did nothing to stop it. Drake’s death is still considered one of the worst cases of child abuse in Kenosha history.

Earlier, Drake had been in foster care. His foster mother is here today, as well as other Kenoshans who are deeply committed to children and their well-being. After Drake’s death, we discussed different options about what could be done to prevent more kids from dying at the hand of abusers. Given the reality that child protective service agencies are understaffed, and as much as I would love to put millions of dollars into protective services so workers could have manageable caseloads, I knew that wouldn’t happen.

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After much thought and discussion, we decided the most realistic thing we could do was to find a way to keep an eye on kids who are at great risk of being harmed because they have been abused in the home. Child protective service workers, some with staggering caseloads, can't possibly keep in close enough touch with at-risk families. We need others to help.

That is why I am introducing the "Drake London" bill this session. Last session I introduced a similar bill that failed to pass. This "Drake London" bill will utilize the volunteer efforts of a Court-Appointed Special Advocate, or CASA, to provide an added safeguard for children in need of protection or services.

CASA is a nationally recognized program that utilizes specially trained volunteers to serve as the "eyes and ears" of the courts to promote the best interests of abused and neglected children. They gather background information for the court, help link families with community resources, and monitor the well-being of children until a case is permanently resolved. Several CASA program directors and volunteers from around the state are here to testify today, and will be able to explain in more details their role in child protection.

The "Drake London" bill will do the following:

- The bill permits the CASA to gather information and make observations about the child or juvenile and any other person residing in the home

- The bill permits the CASA to maintain regular contact with the child, and monitor the appropriateness and safety of the living environment, and make sure the child is given all services provided under the consent decree
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- The CASA may interview the child at any location without the parent's consent, but may not enter the home without the permission of the parent
- The bill provides immunity for CASA volunteers if the volunteer has performed in good faith.
- The bill makes a CASA a mandatory reporter of suspected or threatened child abuse or neglect

I have worked closely with CASA programs to develop this legislation. I have the support of several of the groups involved, including the Dane, Kenosha, Brown, Columbia/Sauk, Fon du Lac, and La Crosse County CASA programs, Kenosha County Circuit Court Judge Mike Wilk, Drake's foster parents as well as foster parents around the state, the Kenosha County Executive, Kenosha County Department of Human Services, the Attorney General, the State Director of Courts, and the Department of

Health and Family Services. In addition to this large list of supporters, I am proud of the bipartisan list of cosponsors for the bill. This legislation represents the efforts of several groups who were involved with Drake London, and we feel this will be a step in the right direction to helping children.

But, this bill is about more than Drake, as precious as his life was. It's about the 1 to 2 million children who are abused or neglected every year in the United States. It's about those one thousand children who are beaten, shaken, drowned, suffocated, or poisoned to death each year. Statistics show that twenty of those children that die will be from Wisconsin this year. Three out of four are under four years old, and most are killed by someone close to them, such as a parent, a live-in boyfriend, a family friend, or someone entrusted to care for the child. Most experts agree that the number one way to prevent child abuse is through home visits.

You may hear some opposition to the "Drake London" bill. I hope that you will keep in mind the point of this bill - to protect children. We are working on some of these concerns to see if there are any ways to make this a better piece of legislation. I hope that our discussions on AB 532 will not turn into a turf battle between organizations. Social workers and Guardian ad Litem are doing their job, but the sad fact is that children are still dying. The Drake London bill is not meant to be a substitute for any other child protection services, it is meant to compliment these other services. I am committed to continue working on the prevention of child abuse until no more children lose their lives.

The "Drake London" bill will not end child abuse. But it will provide another layer of protection for those children already in the court system. If we can help to save even one child from the horrors of abuse, it will be worth it.



JOHN P. STEINBRINK

STATE REPRESENTATIVE ■ SIXTY-FIFTH ASSEMBLY DISTRICT

AB 532 (Drake London Bill)

- ◆ I want to thank Chairperson Ladwig and the Committee for consideration of this important measure, and for the timely hearing.
- ◆ As many of you may know, this legislation was created as a result of a tragic case in Kenosha involving a 17 month old baby named Drake London. Drake was tortured and killed by a person living in his home, despite the fact that he had been under state protection through the Wisconsin's CHIPS law.
- ◆ While we cannot bring him back, Drake's case highlights our responsibility to children in similar situations. Wisconsin's children deserve every possible layer of protection that we can give them, to reinforce the child's right to expect a parent's love and not an abuser's wrath.
- ◆ This legislation, if adopted, will provide Wisconsin's children with that extra protection, for it will recognize individuals who have proven by their commitment of time, compassion, and dedication that they are both invaluable protectors of Wisconsin's children and precious resources of the court: Court Appointed Special Advocates.
 - ◆ CASA is a nationally recognized program in which trained volunteers are assigned to promote the best interests of abused and neglected children.
 - ◆ While they do not replace state social workers, CASAs are assigned no more than two cases at a time and can spend more time than the average social worker determining whether the child's needs are met.
- ◆ AB 532 is designed to provide Court Appointed Special Advocates abilities that they lacked in Drake's case and continue to lack today.
- ◆ Specifically, the bill would:
 - ◆ Allow CASA volunteers to gather information and make observations about the child and others living in the home, including the right to inspect reports and records relating to the child and anyone living in the child's home,
 - ◆ Permit CASAs to have regular contact with the child, monitor the child's living environment, and ensure that the child is given all services under the court decree. This includes the right to interview the child old enough to communicate and any other person who might have information about the child,
 - ◆ Designate CASAs as mandatory reporters of suspected or threatened abuse or neglect and provide immunity for CASA volunteers who have acted in good faith.
- ◆ While no one can guarantee that these steps would have prevented the Drake London tragedy, I believe that we have a responsibility to utilize every means at our disposal to protect these, our most vulnerable children.
 - ◆ We are indeed fortunate to have these dedicated volunteers donating their time and efforts to the CASA programs, and I urge you to join in our effort to untie their hands for the benefit of Wisconsin's children.
- ◆ One of the most important roles government plays is the protection of its citizens, and I look forward to working with you to ensure that we live up to our responsibility to defend the defenseless.

- ◆ I ask for your support of AB 532, the Drake London Bill, and I welcome any questions that you might have.

Delaware Code

31 Del. C. § 3605. Same - Appointment.

(a) All court-appointed special advocates must be sworn in by the Chief Judge or an associate judge of the Family Court before beginning their duties.

(b) Any Family Court judge may appoint a court-appointed special advocate when, in the opinion of the judge, a child requires services which can be provided by the court-appointed special advocate.

(c) To accomplish the appointment of a court-appointed special advocate, a Family Court judge must sign an order of appointment, which shall grant the court-appointed special advocate the authority to review all relevant documents and interview all parties involved in the case, as well as others having significant information relating to the child.

(d) The appointment shall last until the court-appointed special advocate is released from responsibility by order of the Court; or until the court-appointed special advocate's commitment to the Court ends.

(e) The court-appointed special advocate shall be a party to any Court agreement or Court plan entered into on behalf of the child(ren).

(65 Del. Laws, c. 95, § 1.)

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**STATE BAR
of WISCONSIN**

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MEMORANDUM

To: Assembly Children and Family Committee
From: State Bar's Children and the Law Section
Date: November 30, 1999
Re: Assembly Bill 532—Court Appointed Advocates for Children

The State Bar's Children and the Law Section supports the laudable goals of Assembly Bill 532 and Court Appointed Advocates for Children (CASA) programs in helping children in need of protection from abuse and neglect.

The Section hopes to emphasize with lawmakers that the CASA volunteers (where and when available) are a part of the team of individuals at work to provide services to children. CASA programs should not be seen as a replacement (ie.cheaper alternative) to the necessary professional social work and protective services provided at the county level for children.

That said, the State Bar's Children and the Law Section appreciates the opportunity provided by bill authors Representative Steinbrink and Senator Wirch to work on amendments that address some of our concerns:

- Clarifying that the Memorandum of Understanding between the CASA and the judge include a description of the type of legal entity the CASA has organized under.
- Eliminating the CASA programs in the juvenile proceedings under Chapter 938. It's our understanding that CASAs do not currently provide services to juveniles.
- Simplifying the bill by incorporating the concepts of 48.07 and 48.236 into one brief section outlining the program description, court's involvement and advocate's purpose and responsibility. Add a section to that directing each county with a CASA program develop program specifics, such as access to records, confidentiality, written reports, if any, and reporting of child abuse and neglect.
- Providing more flexibility to each County in developing a CASA program.



- Eliminate section related to communication to a jury and language relating to CASA as “representing for best interests”.

If you have any questions regarding the Children and the Law Section’s concerns or the amendments, please contact Linda Barth, State Bar Public Affairs Director at 250-6140.