

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00
BILL NO. SB100
OR
SUBJECT _____

(NAME) Senator Bob Wind

(Street Address or Route Number) 31D-South

(City and Zip Code) _____

(Representing) _____

Speaking in Favor: w/Rep. Steinbrink

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00
BILL NO. SR106
OR
SUBJECT _____

(NAME) Rep. Steinbrink

(Street Address or Route Number) Room 307-West Capitol

(City and Zip Code) _____

(Representing) 65th Assembly District

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00
BILL NO. SB106
OR
SUBJECT CASA in CHIPS

(NAME) Robert J. Tambors

(Street Address or Route Number) 8579.234th Ave.

(City and Zip Code) Salem WI 53168

(Representing) Kenosha District Attorney

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. 106

SUBJECT CASA

Rosemary Albrecht
(NAME)
15 E. Fitzsimmons
(Street Address or Route Number)
Oak Creek, WI 53154
(City and Zip Code)
SELF
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb 1 2000

BILL NO. 106

SUBJECT _____

Julie M'Givine
(NAME)
2142 Rumold Dr.
(Street Address or Route Number)
Racine WI 53406
(City and Zip Code)
Self
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. 106

SUBJECT _____

Jennifer Godzicki
(NAME)
11488b State Hwy 42
(Street Address or Route Number)
Kewauonee, WI 54216
(City and Zip Code)
Self
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. SB 106

SUBJECT _____

*State Senator
ALBERTA DWELING*

(NAME)

1325 West Deno

(Street Address or Route Number)

Milwaukee, WI 53219

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-2000

BILL NO. SB 106

or

SUBJECT _____

Senator Alan Kasee

(Name)

1st Senate District

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

Registering Against:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant At Arms
Room 410 - South
P. O. Box 7882
State Capitol
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00

BILL NO. SB 106

SUBJECT _____

Joanna Richard

(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/2000

BILL NO. SB 106

SUBJECT _____

(NAME) Paul P. Otk
(Street Address or Route Number) 1001 S 23rd N.

(City and Zip Code) _____

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: ~~2/1/00~~ 2/1/00

BILL NO. SB 106

SUBJECT Dele London Bill

(NAME) State Rep. Dave Hukison
(Street Address or Route Number) State Capitol 316 N.

(City and Zip Code) _____

(Representing) First Assembly District - State of WI

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb 1, 2000

BILL NO. SB 106

SUBJECT Court Appointed Special Advocates

(NAME) Jana Krzywicki / CHS
(Street Address or Route Number) 4908 Jerome Madison 53716

(City and Zip Code) _____

(Representing) Dave Candy CHS Program

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/31/00

BILL NO. SB106

OR
SUBJECT _____

(NAME) St. Rep. Tim Kauten

(Street Address or Route Number) 3505-14th Place

(City and Zip Code) Kenosha WI 53144

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. SB 106

OR
SUBJECT _____

(NAME) Kevin Lewis

(Street Address or Route Number) Legislative Division

(City and Zip Code) DHFS

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/2000

BILL NO. 106

OR
SUBJECT Cont. Appointed

Special Advocate

(NAME) Helen Brunster

(Street Address or Route Number) 7212 Spaight St

(City and Zip Code) Madison WI 53703

(Representing) Self

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Senate Bill 106

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Senate Bill 106 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by noon Wednesday March 1, 2000.**

Adoption of Substitute Amendment (LRB s0270/4)

_____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)

_____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)

 ✓ Aye (In Favor of Adoption of the Substitute Amendment)

_____ No (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 106 (as amended):

_____ Moved (Optional -- Please check if you wish to Move Passage of the Bill (as Amended))

_____ Seconded (Optional -- Please check if you wish to Second Passage of the Bill (as Amended))

 ✓ Aye (In Favor of Passage of the Bill (as Amended))

_____ No (Oppose Passage of the Bill (as Amended))

Signed: _____

Alberto Darlig

March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Senate Bill 106

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Adoption of Substitute Amendment (LRB s0270/4)

_____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)

_____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)

 ✓ Aye (In Favor of Adoption of the Substitute Amendment)

_____ No (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 106 (as amended):

_____ Moved (Optional -- Please check if you wish to Move Passage of the Bill (as Amended))

_____ Seconded (Optional -- Please check if you wish to Second Passage of the Bill (as Amended))

 ✓ Aye (In Favor of Passage of the Bill (as Amended))

_____ No (Oppose Passage of the Bill (as Amended))

Signed: SEN. JOANNE B. HUELSMAN (By phone) March 1, 2000
RAS

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Senate Bill 106

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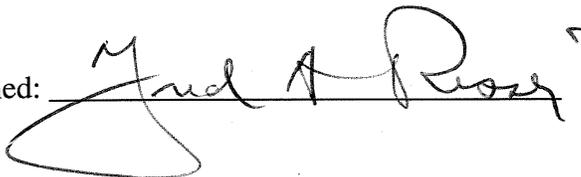
Adoption of Substitute Amendment (LRB s0270/4)

- _____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- _____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- X Aye (In Favor of Adoption of the Substitute Amendment)
- _____ No (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 106 (as amended):

- _____ Moved (Optional -- Please check if you wish to Move Passage of the Bill (as Amended))
- _____ Seconded (Optional -- Please check if you wish to Second Passage of the Bill (as Amended))
- X Aye (In Favor of Passage of the Bill (as Amended))
- _____ No (Oppose Passage of the Bill (as Amended))

Signed: _____



March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Senate Bill 106

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Senate Bill 106 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by noon Wednesday March 1, 2000.**

Adoption of Substitute Amendment (LRB s0270/4)

_____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)

_____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)

_____ **Aye** (In Favor of Adoption of the Substitute Amendment)

_____ **No** (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 106 (as amended):

Moved (Optional -- Please check if you wish to Move Passage of the Bill (as Amended))

_____ Seconded (Optional -- Please check if you wish to Second Passage of the Bill (as Amended))

Aye (In Favor of Passage of the Bill (as Amended))

_____ **No** (Oppose Passage of the Bill (as Amended))

Signed: _____

Oliver Clausung

March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

How many of you have seen a child in a casket? I have. How many of you have seen a child in a casket, one who died from beatings so severe that bruises were still visible on the child's body.

About two 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 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 prior testimony that stated, "I'm against child abuse, but I'm against this bill." I wonder and question that statement. There are many words used to describe a wrong done to a child, and they all end in the word ABUSE.

I have heard the arguments that Court Appointed Special Advocate (CASA) volunteers do not have enough education. I have a bachelors degree, a Masters degree, and 21 credits beyond a Master degree. I never will have enough education. CASA workers have 40 hours of training, and they continue to have training through out their time as a volunteer. This bill targets a very small population. It targets CHIPS children who have been returned to their biological parent. Although I would like every child returned from foster care to have a CASA worker. That is not feasible as there are very few CASA volunteers.

I have heard all the arguments against the Drake London law. I have had discussions with Guardian's ad Litem (GAL) 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 making 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 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.

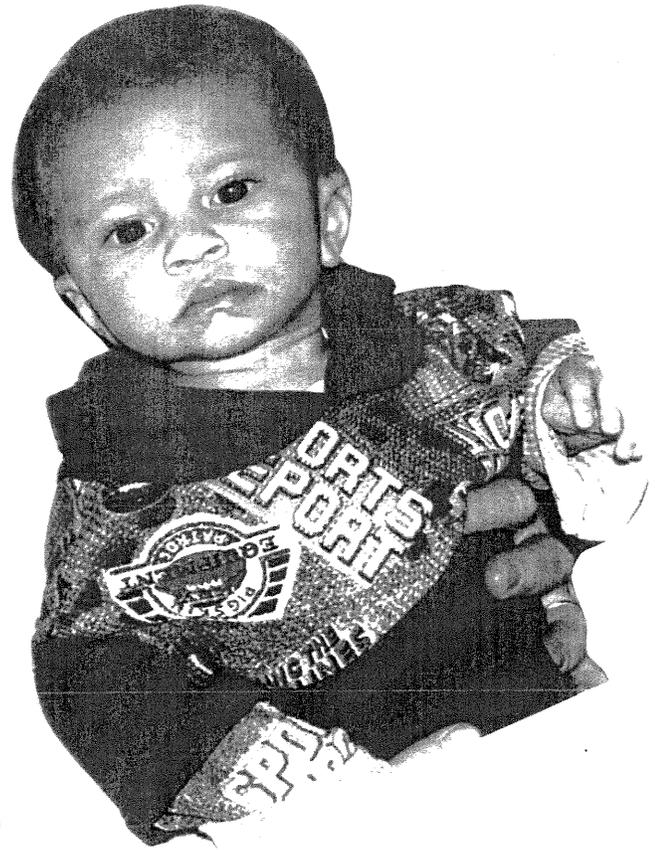
I have heard the arguments about what would happen if the GAL and the CASA workers disagree in their findings. The Federal Government passed law that says the BEST INTEREST OF THE CHILD IS PARAMOUNT! Wisconsin law says THE BEST INTEREST OF THE CHILD IS PARAMOUNT! If a GAL and a CASA worker disagree with 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 all 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.

Thank you for having this hearing. I hope this issue will be voted on soon.



Drake William London

Born
July 28, 1995

Died
January 20, 1997





**PAUQUETTE
CENTER**
*Psychological Services
Family Counseling*

P.O. Box 301, 2901 Hunters Trail, Portage, WI 53901 • Phone: 608-742-5518
P.O. Box 104, 1002 Lincoln Ave., Baraboo, WI 53913 • Phone: 608-356-9055
P.O. Box 327, 1511 Park Ave., Columbus, WI 53925 • Phone: 920-623-5226
Fax: 608-742-4087 • E-mail: clinic@pauquette.com

Douglas C. Varvil-Weld, Ph.D., Director
Thomas J. Hayes, Ph.D., Director
Jim Dickinson, Programs Director



Michael Ostrowski, Ph.D.
Donna Rose, Ph.D.
Kerri Lehman, Ph.D.
Barbara Center, M.D.
Charles Hodulik, M.D.
Jeanine Fair, M.S.W.
Susan Quiriconi, M.S.W.
Lynn Groeschel, M.S.W.
Ginger Hansell, M.S., C.A.D.C. III
Jonathan Schulz, M.S.E., N.C.C.
Cheryl DeDecker, M.S.
Marilyn Gulseth, C.A.D.C. III

January 31, 2000

Members of the Senate Judiciary Committee
P.O. Box 7882
Madison, WI 53707-7882

RE: Senate Bill 106 ("Drake London" Bill)

Dear Members of the Senate Judiciary Committee:

I am writing to express my support for Senate Bill (S.B.) 106.

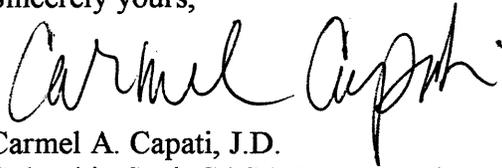
What S.B. 106 would do is set standards for CASA Programs throughout the state. As the director for one of the newer CASA programs, I had numerous discussions with judges, guardians ad litem, and social workers about how our program would be implemented. There were concerns and uncertainty about what records CASA volunteers could have access to or what information they could receive.

Establishing standards in areas such as access to records, confidentiality and other provisions that this bill outlines would remove ambiguity and make it easier for new CASA programs to be implemented. I think those counties that have operational CASA programs see the benefits our volunteers provide to abused and neglected children. In the eyes of these children, our volunteers are seen as one of the few constants in their lives. If a program such as CASA is considered valuable and worthwhile to society, it seems only logical that those with the power to effect change would want to remove any barriers to its success. This bill would allow more CASA programs to be established in regions of the state where CASA services are greatly needed.

On behalf of the Columbia-Sauk CASA Program, I strongly urge passing of this legislation.

Thank you for your time and consideration.

Sincerely yours,

A handwritten signature in cursive script, reading "Carmel Capati". The signature is written in black ink and is positioned above the printed name.

Carmel A. Capati, J.D.
Columbia-Sauk CASA Program Director



**STATE BAR
of WISCONSIN**

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

MEMORANDUM

To: Senate Judiciary and Consumer Affairs Committee
From: Linda Barth, Public Affairs Director
Date: January 31, 2000
Re: Senate Bill 106--Court Appointed Special Advocates

The State Bar's Children and the Law Section supports the laudable goals of Senate Bill 106 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 Wirch and Representative John Steinbrink, to work together on substitute language.

The substitute amendment provides the local organizers and judges with local 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 urges you to support the substitute amendment to Senate Bill 106.



alcohol and other drugs council of kenosha county, inc.

January 31, 2000

Senator Robert W. Wirch
PO Box 7882
Madison, WI 53707

Dear Senator Wirch:

On behalf of the Voices for Children CASA Program of Kenosha County, I would like to thank you for your continued efforts in fighting for this very important piece of legislation.

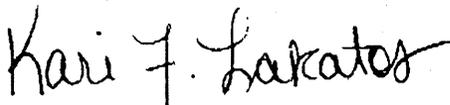
Kenosha County statistics show that in 1999 there were more than 700 child abuse and/or neglect referrals, with more than 400 of these children placed in foster care. With these alarming numbers it is easy to understand why social workers are not able to provide the services that CASA volunteers can - weekly home visits to children at risk.

As the Program Manager of our local CASA Program, I will be directly impacted by the "Drake London" Bill (Senate Bill 106). I believe that this bill will help regulate all CASA Programs to ensure that the care and services that we provide to the most precious of all - our children - are to the utmost quality. The guidelines will create structure in the development of new CASA Programs, while still allowing flexibility so that each individual county's needs are met.

I anticipate that this bill will also help CASA Programs create more credibility within our communities so that we can secure more funding to support the development or expansion of local programs.

Thank you for your time in this important matter.

Sincerely,



Kari F. Lakatos
Prevention & Advocacy Services Manager

BEVERLY A. JAMBOIS

Attorney at Law

January 31, 2000

Senator Bob Wirch
PO Box 7882
Madison, WI 53707-7882

Faxed to: 608-267-0984

Re: Public Hearing on Senate Bill 106, the "Drake London" Bill

Dear Senator Wirch,

I am pleased that Senator George has agreed to hold a public hearing on SB 106. Unfortunately, I am unavailable to testify at the scheduled time so could you please provide a copy of this letter to the members of the Senate Judiciary Committee.

I have been a foster parent now for four years and currently have three foster children in our home. I was a Guardian ad Litem in Kenosha County for several years. I am also on the Advisory Board of the Kenosha CASA program, Voices for Children. I give you this background so you can understand my perspective.

The Drake London bill is needed. It is especially necessary for our most vulnerable citizens, children who haven't started school yet. A CASA worker provides the voice for that child. We all know that social workers are operating under heavy case loads. There is no way they can visit a child weekly. The Guardian ad Litem (GALs) also have full case loads, and most don't even meet their clients at all. The CASA worker adds another set of eyes and ears, and at no cost to the taxpayers! Furthermore, the CASA worker's job is different than that of the social worker or the GAL. The CASA worker is an information gatherer to assist the social worker, GAL and the court. The CASA worker is a witness, not a lawyer. The GAL is not a witness, but a court officer who can file pleadings, do legal research, and make legal arguments to advocate for the child's best interest.

I've heard opponents argue that this is just more government intervention. Well, without government intervention I believe children would still be working in coal mines never to see the light of day. Government is at its best when it is protecting those who cannot protect themselves. The Drake London bill is a moderate proposal that limits any "intrusion" into those cases where the parents have already failed the child.

I urge the committee to stand up for our young children who don't have the luxury of hiring lobbyists to promote their cause. I urge you to support this needed legislation.

Sincerely,

Beverly A. Jambois
1006580

8519 234th Avenue † Salem, WI 53168-9439 † 262-843-2117
Fax:262-843-3151 † email: stillkickn@acronet.net

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

Feb. 1, 2000

Dear Senator George and Judiciary Committee Members:

As you consider Senate Bill 106, 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 knowledgeably advocates for their best interests. Senate Bill 106 provides for just such an advocate.

Lastly, the concern that SB 106 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 Senate Bill 106 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



COUNTY OF KENOSHA

DISTRICT ATTORNEY

Robert J. Jambois
District Attorney

Susan L. Karaskiewicz
Deputy District Attorney
912 - 56th Street, Molinaro Building
Kenosha, Wisconsin 53140
(262) 653-2400
Fax (262) 653-2783 2nd Floor
Fax (262) 653-2411 3rd Floor

**Asst. District
Attorneys**

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Richard A. Ginkowski
Michael D. Graveley
Mary M. Hart
Erik H. Monson
Jennifer M. Motom
Shelly J. Rusch

January 31, 2000

Senator Robert Wirch
VIA FACSIMILE 608-267-0984

Re: Drake London Bill SB-106

Dear Senator Wirch:

I regret that I am unable to attend the public hearing for SB-106. I do hope that this letter can be made a part of the record. I strongly support passage of this bill and, quite frankly, I'm puzzled that there could be serious opposition. I know that one of the most pressing difficulties confronting legislators is finding ways to protect children at risk without overburdening the taxpayers. The Court Appointed Special Advocate (CASA) Program seems tailor-made to meet this need. Since the CASA's are all volunteers, their services are donated and, hence, free to the taxpayers. Since they are screened, trained, restricted to only one or two cases and are required to visit with the child at least once a week, they provide the Court with the perspective of a well-informed objective adult. A CASA is only assigned in those cases where the juvenile court judge sees the need. Who could possibly object to such a program?

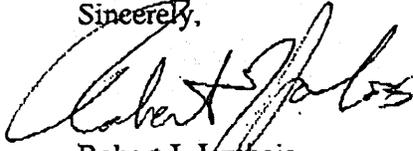
It is my understanding that the family law section of the State Bar has noted that Guardians Ad Litem (GAL) are also required to represent the best interests of the child. The family law section has expressed concern about what could occur if the CASA didn't agree with the GAL. While the law requires that GAL's shall meet with the child, I can tell you, as a prosecutor and as a foster parent, that it virtually never happens. In Kenosha, GAL's are tremendously overburdened already and could not begin to comply with the mandate that they actually meet with the child. Kenosha is not unique. Across the State of Wisconsin, despite the requirement in sec. 48.235(3)(b), Wis. Stats., GAL's never even see, much less become acquainted with, the children whose interests they represent.

Accordingly, if a CASA, who has met with a child weekly, disagrees with a GAL, who has never even laid eyes on the child, a juvenile judge would be well advised to proceed with great caution. I consider that to be a far superior alternative to simply leaving the court without the insights and observations of the CASA.

The most tragic mistakes made in the juvenile court system regarding placement of children at risk, almost invariably can be attributed to the court being unaware of what is actually

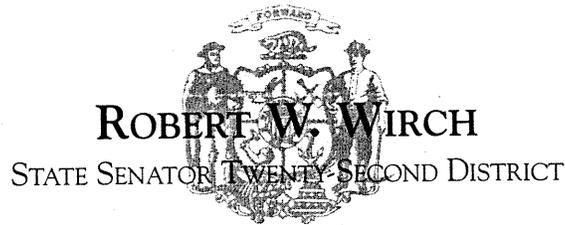
occurring in the child's home. The CASA program won't eliminate that problem – but it will go a long way toward ensuring the courts in this State are better informed at the time placement decisions are being made. Since this legislation will serve to protect children who are at risk in this community at little or no cost to the taxpayer, I strongly support the bill.

Sincerely,



Robert J. Jambois
District Attorney
State Bar #01002922

RJJ:ndh



Testimony before the Senate Committee on Judiciary and Consumer Affairs
by
Senator Robert Wirch
Senate Bill 106
February 1, 2000

Thank you Senator George, 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.

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 have introduced 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
- The bill allows CASAs to inspect any relevant 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.

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, 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.

During the Assembly hearing on the companion bill, AB 532, some concerns were raised, and we have tried to address some of those concerns by offering the substitute amendment before you. The substitute amendment makes a few changes to the language of SB 106.

- The substitute amendment removes all Chapter 938 (Juveniles in need of Protective Services) 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.
- The substitute amendment 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.
- The substitute amendment 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.

I have already given the stripes for the substitute amendment to your committee clerk, and am hopeful that the Committee can consider this draft today.

This bill is very important in the fight against child abuse, and it 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.

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.



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone: (608) 266-1304
Fax: (608) 266-3830
Email: leg.council@legis.state.wi.us

DATE: January 31, 2000
TO: SENATOR ROBERT WIRCH
FROM: Joyce L. Kiel, Senior Staff Attorney
SUBJECT: Senate Substitute Amendment ___ (LRBs0270/2) to 1999 Senate Bill 106,
Relating to Court-Appointed Special Advocates for Children in Need of
Protection or Services

This memorandum, prepared at your request, describes 1999 Senate Bill 106 and then compares it to Senate Substitute Amendment ___ (LRBs0270/2) to 1999 Senate Bill 106, relating to court-appointed special advocates (CASAs) for children in need of protection or services. Senate Bill 106 was introduced by you and others; cosponsored by Representative Steinbrink and others. The bill has been referred to the Senate Committee on Judiciary and Consumer Affairs which has scheduled a hearing on the bill on *Tuesday, February 1, 2000, at 8:30 a.m., in Room 201 Southeast, State Capitol.*

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 volunteer, information gathering and documentation and observation of a juvenile court CHIPS or JIPS proceeding. A CASA volunteer also must complete continuing training annually.

The supervisory support staff of a CASA program must be easily accessible to the CASA volunteers, must hold regular case conferences with the CASA volunteers and must conduct annual performance evaluations of the CASA volunteers. A CASA program must provide its staff and volunteers with written guidelines describing the policies, practices and procedures of the CASA program and a volunteer'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 volunteer 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 — (LRBs0270/2) TO 1999 SENATE BILL 106

Senate Substitute Amendment ___ (LRBs0270/2) 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.

2. 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.

3. The substitute amendment provides 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.

4. 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 described in item A. 4., above.

5. 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.

6. 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:ksm;wu

State of Wisconsin



GARY R. GEORGE
SENATOR

TO: Staff to Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk
Senate Committee on Judiciary and Consumer Affairs

RE: Proposed Amendments to Bills That Have Previously Received a Public Hearing
in the Senate Committee on Judiciary and Consumer Affairs and May Receive
Executive Action Next Week

DATE: February 25, 2000

Attached please find a list of the of proposed amendments and proposed substitute amendments to bills that have previously received a public hearing that I would like to discuss with you on February 28, 2000.

Assembly Bill 45

Relating to: a hotline in the department of justice for the reporting of information regarding dangerous weapons in public schools.

By Representatives Kelso, Colon, Gunderson, Hahn, Hutchison, Jensen, Kedzie, Lassa, F. Lasee, Ladwig, M. Lehman, Musser, Owens, Ryba, Seratti, Spillner, Sinicki, Suder, Sykora, Urban, Vrakas, Powers and Huebsch; cosponsored by Senators Darling, Risser and Roessler.

Risser?

Agreed Upon Amendment Pending: At the request of DOJ an amendment (LRBa1436/1) was prepared to expand the scope of things reportable through this hotline to include threats to damage school premises or harm persons on school grounds. Rep. Kelso, the author of the bill has signed off on the amendment.

Assembly Bill 111

Relating to: committing theft against certain persons and providing a penalty.

By Representatives Suder, Albers, Ainsworth, Freese, Handrick, Hoven, Huebsch, Kelso, Ladwig, F. Lasee, Montgomery, Musser, Nass, Olsen, Plale, Powers, Turner and Vrakas; cosponsored by Senators Darling, Fitzgerald, Lazich, Roessler, Welch and Zien.

Substitute Amendment Pending: At the request of DOJ and its Elder Law Advocate a substitute amendment (LRBs0307/1) was prepared to broaden the bill to address all forms of financial crimes against the elderly. The substitute amendment:

1. Covers all financial crimes (e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.)
2. Protects all elderly people, regardless of capacity, place of residence or participation in programs.
3. Makes definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940).
4. Includes all Powers of Attorney, whether durable or non-durable.

*?
Darling
will*

Rep. Suder, the author of the bill, expresses no objection to the substance of the changes.

Assembly Bill 318

Relating to: the controlled substance methamphetamine and providing penalties.

By Representatives Kreibich, Rhoades, Brandemuehl, Urban, Suder, Klusman, Freese, Ladwig, Ainsworth, Nass, Musser, Seratti, M. Lehman, Stone, Albers, Pettis, Gunderson, Kelso, Skindrud, Kedzie, Olsen, Huebsch, Petrowski, Gronemus, Vrakas, Kestell, Montgomery and Ward; cosponsored by Senators Clausing, Moen, Zien, Panzer, Roessler, Darling, Huelsman, Schultz, Rude and Farrow.

*no
problem*

No Amendments Pending.

Assembly Bill 391

Relating to: disposable earning exempt from garnishment.
By Representatives Gunderson, Musser, Townsend, Turner, Sykora, Hahn, Petrowski, Hundertmark, Spillner, Gronemus, Kelso, Albers and Powers; cosponsored by Senator Darling.

no problems

No Amendments Pending.

Assembly Bill 533

Relating to: authorizing the appointment of assistant district attorneys to provide restorative justice services; authorizing counties and the department of corrections to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders; inmate rehabilitation; creating the office of government-sectarian facilitation; establishing a grant program for a neighborhood organization incubator; distributing funding for alcohol and other drug abuse services; and making appropriations.

*Risser
philosophical
objection
to everything
but
restorative
justice*

Joint Legislative Council.

No Amendments Pending. Concern About Church-State Separation Issues. Bill contains appropriation. Must go the Joint Finance.

Assembly Bill 562

Relating to: creating a southeast Wisconsin crime abatement task force.
By the Committee on Criminal Justice.

Risser o.k

Two Amendments Pending: One amendment (LRBa1434/1), at the request of Reps. Krug and Riley adds the Chief of Police of the City of Milwaukee as a member of the task force. The other amendment (LRBa1427/1) at the request of the State Bar of Wisconsin adds to the task force a member of the State Bar's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha).

*Duelsman
?*

Assembly Bill 614

Relating to: unauthorized duplication of a recording, unauthorized recording of a performance, failure to disclose manufacturer of a recording, unauthorized use of a recording device in a movie theater and providing a penalty.

*no
problems*

By Representatives Pettis, Kestell, Jensen, Cogg, Underheim, Klusman, Sykora, Albers, Olsen, Nass, Ward, Handrick, Vrakas, Staskunas, Kreibich, Walker, Musser, Kaufert and Bock; cosponsored by Senators George, Rosenzweig, Panzer, Breske and Grobschmidt.

No Amendments Pending.

Senate Bill 106

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

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

no problems

Agreed Upon Substitute Amendment Pending. (LRBs0270/4). Sen. Wirch's office has worked out a compromise with all the concerned groups, including organizations that currently operate CASA programs.

Senate Bill 110

Relating to: prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection or services and providing a penalty.

By Senators Moen, Drzewiecki, Breske, Farrow, Erpenbach, Rude, Baumgart, Huelsman, Schultz and Roessler; cosponsored by Representatives Musser, Huebsch, Plale, Pettis, Seratti, Ryba, Sykora, Gronemus, Ziegelbauer, Ainsworth, Ladwig, F. Lasee and Albers, by request of the Local 219, Jackson Correctional Institution Officers.

no problems

Two amendments pending. The first one (LRB a1180/1) by request of the State Laboratory or Hygiene expands the scope of bodily substances covered under the bill. The second one (LRBa1298/1) by request of the committee members , reduces the maximum penalty from five years, consecutive to the current prison term, to 2 years, consecutive to the current prison term.

dis tributed

Senate Bill 172

Relating to: discharge or other retaliation or discrimination against an employe of a health care facility or a health care provider who reports a violation of the law or a violation of a clinical or ethical standard by the health care facility or health care provider or by an employe of the health care facility or health care provider and providing a penalty.

By Senators George, Robson, Baumgart, Burke, Cowles, Darling, Grobschmidt, Moen, Plache, Roessler and Rosenzweig; cosponsored by Representatives Underheim, Carpenter, Albers, Black, Bock, Boyle, Coggs, Colon, Cullen, Goetsch, Hahn, Hebl, Kelso, Kreuser, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Miller, Musser, Olsen, Pettis, Plouff, Pocan, Richards, Sinicki, Staskunas, Walker, Wasserman, Waukau and Ziegelbauer.

Agreed Upon Substitute Amendment Pending. (LRBs???)?. Senators Robson and Clausing and Representative Underheim convened a meeting with representatives of hospitals and health care worker unions to work out a compromise that all parties have apparently accepted. The compromise is being drafted as a substitute amendment to both the Assembly and Senate versions of the bill.

Senate Bill 214

Relating to: notice to a victim of the right to make a statement at sentencing or disposition.

By Senator Burke; cosponsored by Representative Huber.

No Amendments Pending.

Senate Bill 284

Relating to: contracts with persons who take depositions.

By Senators George, Rude, Breske, Cowles and Rosenzweig; cosponsored by Representatives Walker, Huebsch, Hebl, Staskunas, M. Lehman, Albers, Goetsch, J. Lehman, Hahn, Colon, Richards and Cullen.

no problem

No Amendments Pending. This bill was voted upon at the February 1, 2000 executive session but was not reported out of committee.

Senate Bill 395

Relating to: policies concerning treatment and conduct of persons detained during a sexually violent person commitment proceeding and person committed for treatment after being found to be a sexually violent person.

By Senator George; cosponsored by Representative Huebsch. By Request of the Department of Health and Family Services.

Risser ?

Agreed Upon Substitute Amendment Pending: (LRB s0315/1) As substantiated by testimony at the 2-22-2000 hearing, the substitute addresses the concerns of both DHFS and DOJ.

SB 106

February 22, 2000 Judiciary Committee Hearing

Special Testimony Requests

Elected Officials

- Sen. Baumgart and his DA (Robert Wells/Sheboygan Co.) want to testify first about his bill SB 213.
- Rep. Ladwig wants to testify next about her bill AB 72.
- Rep. Goetsch wants to testify next about his bills AB 562 and AB 84.

Others

- Sen. Clausing's office contacted us to let us know that Johnnie Smith from the DEA will be testifying on AB 318. He has some time constraints and has to leave by 10:00 am. They wanted to know if you could make arrangements so that he can get his testimony in before he has to leave?

Bills On the Hearing Agenda

Here is the order of bills, the likely witnesses and a brief comment about amendments I know of :

AB 614 (Your bill on piracy and bootlegging of recorded material)

Don Valdez V.P. Anti-piracy Legislation RIAA will probably testify with a multimedia show-and-tell presentation.

I am not aware of any amendments although Sen. Risser is apparently concerned about how the new penalties under the bill will mesh with Truth-In-Sentencing given the fact that we haven't adopted the code reclassification yet.

SB 395 (The DHFS bill on sexually violent persons commitment rules)

Dr. Thomalla (PhD.) is likely to testify for DHFS. I don't know whether Sec. Llean will testify or not. I don't know

There is a substitute amendment (LRB s0315/1) that has been prepared to reflect the agreement between the DHFS and the DOJ. It is ready to be introduced.

AB 174 (Rep. Kreuser's bill to allow of-duty peace officers to carry concealed weapons)

Rep. Kreuser will testify. He may have a local law enforcement official testify on behalf of his drug or gang task force folks.

I am not aware of any amendments.

AB 562 (Rep. Goetsch's committee bill to establish a Southeast Wisconsin crime abatement task force)

Rep. Goetsch will testify. (See note above)

There are two amendments.

- 1) Reps. Riley and Krug asked us to add the City of Milwaukee Chief of Police as a member of the Task Force. The first amendment (LRB 1379/1) does this.
- 2) The State Bar Criminal Law Section asked us to add to the task force a member of the State Bar of Wisconsin's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha). This second amendment has been requested but has not yet been received at the time of this writing.

SB 533 (The Leg. Council bill on Restorative Justice and faith-based approaches to crime reduction.)

I would expect there will be testimony from several sources. The Interfaith Conference has, for example, expressed support for the restorative justice provisions.

I am not aware of any proposed amendments.

SB 214 (Sen Burke's bill re: When a victim must be given notice of the right to make a statement at sentencing.)

Jon Reddin, Deputy DA for Milwaukee County and Mike Nieskes, Deputy DA for Racine County will be testifying on SB 214.

I am not aware of any proposed amendments.

AB 318 (Sen. Clausen's bill on Methamphetamine penalties.)

Johnnie Smith from the DEA will be testifying on AB 318. I am not sure whether DOJ will have anybody testify or not. I expect Sen. Clausen may testify.

I am not aware of any proposed amendments.

AB 391 (Garnishment technical correction)

Rep. Gunderson's staffer will probably testify.

I am not aware of any proposed amendments.

SB 213 (Sen. Baumgart's bill on inducing or causing self-mutilation by a child.)

Sen. Baumgart and his DA (Robert Wells/Sheboygan Co.) will testify. (See note above)

I am not aware of any proposed amendments.

AB 72 (Rep. Ladwig's bill on disclosure of juvenile records by a juvenile or municipal court).

Rep. Ladwig will testify. (See note above.)

The State Bar Children and the Law Section recommends an amendment to Sect. 5 of the bill to specify that a GAL and the attorney of record can view the juvenile's record in cases where a juvenile or municipal court asks another juvenile or municipal court for records for purposes of any other proceeding.

AB 84 (Rep. Goetsch's bill on factors to be considered when sentencing a person convicted of committing a crime.)

Rep. Goetsch will testify. (See note above.)

In response to a request from the Judicial Conference an amendment has been drafted to delete the material in Assembly Substitute Amendment 1 to AB 84 at page 2, line 14. This would delete the factor "(j) The length of pretrial detention of the person, if applicable." I don't know whether this is advisable or not. I always assumed that judges considered time served when sentencing.

Bills From Previous Hearings On Which We Can Take Executive Action

AB 45 (Rep. Kelso's bill to create a Dangerous Weapons in Schools Hotline)

In response to a request from the Atty. Gen./Department of Justice we have drafted an amendment (LRB a1436/1) that basically adds threats to harm persons or damage school property to the list of items that may be reported. Rep. Kelso is o.k. with the bill with the change and so is DOJ.

AB 111 (Rep. Suder's bill on Embezzlement from Vulnerable (elderly) Adults)

In response to a request from the Elder Advocate in the Department of Justice we have drafted a substitute amendment (LRB s0307/1) that expands the bill to cover all financial crimes (e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.) against all elderly people regardless of capacity, place of residence or

participation in programs. It also makes the definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940) and includes all Powers of Attorney, whether durable or non-durable.

Rep. Suder the author of the bill doesn't object to the substance of the substitute amendment but argues that adopting the amendment will kill the bill procedurally. He thinks the bill won't be able to go through both houses before the end of March.

SB 106 (Sen. Wirch's CASA bill)

Sen. Wirch's office has worked with Legal Aid of Milwaukee to craft a compromise that everybody seems to be happy with. A substitute amendment (LRB s270/3) reflects the compromise.)

SB 110 (Sen. Moen's bill on Prisoner's Throwing Bodily Substances)

There are two simple amendments.

The first one (LRB a1180/1) is at the request of the State Hygiene Lab and expands the list of bodily substances covered by the bill.

The second one (LRB a1298/1) reduces the maximum penalty under the bill from 5 years to 2 years, consecutive to the current sentence.

SB 284 (Your court reporter's bill)

No amendments as far as I know. We had voted on this at the last exec. session but haven't yet reported the bill out of committee.

In deference to you as chair, Sen. Huelsman will let the bill come out of committee and maybe try to amend it on the floor.

I hope this is helpful.



February 28, 2000

Senator Gary George, Chairman
Senate Judiciary Committee
118-South
INTER-DEPARTMENTAL

Dear Senator George:

I wanted to extend my sincere thanks to you for holding a hearing on Senate Bill 106, the "Drake London" bill, on February 1st. Since the hearing I have made efforts to address some additional concerns the Milwaukee CASA program has raised. I have drafted a new substitute amendment, LRBs0270/4, to address these changes. It is my hope that the Senate Judiciary Committee can take action on SB 106, and the changes reflected in LRBs0270/4.

I also want to give you a little background on the issue, and explain the contents of the substitute amendment I would like the Senate Judiciary Committee to introduce.

Two years ago, a 17-month-old toddler named Drake London was killed by his mother's boyfriend in what was considered the worst case of child abuse in Kenosha history. From this tragedy came the idea for the Drake London bill - to provide children in need with an extra layer of protection by using the volunteer services of the Court Appointed Special Advocate (CASA) program.

This is a very important piece of legislation for me. I 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 the Milwaukee CASA program, and with these changes, both groups have decided to support the substitute amendment.

The substitute amendment we are forwarding (LRBs0270/4) makes the following changes to the original SB 106:

- 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

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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.
- 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 only gave the authority to the volunteer. The substitute amendment clarifies that this provision only applies if that employee is "authorized to provide court-appointed special advocate services."

Thank you again for having a hearing on SB 106. 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

RWW:akm



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GUARDIAN AD LITEM OFFICE

February 28, 2000

To: Amber

From : Julia E. Vosper

I have reviewed LRBs 0270/4 and support the changes made to this draft.

Julia E. Vosper
Chief Staff Attorney

[Click here and type slogan]



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone: (608) 266-1304
Fax: (608) 266-3830
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.

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