

## 2003 SENATE BILL 487

February 24, 2004 – Introduced by Senator ROESSLER, cosponsored by Representative KESTELL. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1     **AN ACT** *to create* 48.78 (2) (h), 51.30 (4) (b) 27. and 938.78 (2) (h) of the statutes;  
2             **relating to:** permitting confidential information to be entered into, and  
3             accessed from, the statewide automated child welfare information system.

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### *Analysis by the Legislative Reference Bureau*

Under current law, information received by the Department of Health and Family Services (DHFS), the Department of Corrections (DOC), a county department of human services or social services, a licensed child welfare agency, or a licensed day care center (collectively “agency”) about an individual who is in the care or legal custody of the agency is confidential and may not be disclosed, except under certain exceptions. Similarly, under current law, treatment records concerning an individual who is receiving or who has received services for mental illness, developmental disabilities, alcoholism, or drug dependence that are maintained by DHFS, a county department of community programs or developmental disabilities services, or a treatment facility are confidential and may be released without the informed consent of the individual who is the subject of the record (subject individual) only under certain circumstances.

This bill permits an agency to enter information received about an individual in its care or legal custody, and a person maintaining treatment records to enter information concerning a subject individual, into the statewide automated child welfare information system (generally referred to as “WISACWIS”). The bill also permits DHFS; DOC; a county department of humans services, social services, community programs, or developmental disabilities services (county department); or

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any other organization that has entered into an information sharing and access agreement with DHFS, DOC, or a county department and that has been approved for access to WISACWIS by DHFS to have access to information concerning a client under the Children's Code, the Juvenile Justice Code, or the Mental Health Act that is maintained on WISACWIS, if necessary to enable DHFS, DOC, the county department, or other organization to perform its duties under the Children's Code, the Juvenile Justice Code, or the Mental Health Act or to coordinate the delivery of services under the Children's Code, the Juvenile Justice Code, or the Mental Health Act to a client.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 48.78 (2) (h) of the statutes is created to read:

2           48.78 (2) (h) Paragraph (a) does not prohibit an agency from entering the  
3 content of any record kept or information received about an individual in its care or  
4 legal custody into the statewide automated child welfare information system  
5 established under s. 46.03 (7) (g). Paragraph (a) also does not prohibit a county  
6 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health  
7 and family services, the department of corrections, or any other organization that  
8 has entered into an information sharing and access agreement with one of those  
9 county departments or departments and that has been approved for access to the  
10 statewide automated child welfare information system by the department of health  
11 and family services from having access to information concerning a client of that  
12 county department, department, or organization under this chapter or ch. 51 or 938  
13 that is maintained in the statewide automated child welfare information system, if  
14 necessary to enable the county department, department, or organization to perform  
15 its duties under this chapter or ch. 51 or 938 or to coordinate the delivery of services  
16 under this chapter or ch. 51 or 938 to the client. Before entering any information

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1 about an individual into the statewide automated child welfare information system,  
2 the agency entering the information shall notify the individual that the information  
3 entered may be disclosed as provided in this paragraph.

4 **SECTION 2.** 51.30 (4) (b) 27. of the statutes is created to read:

5 51.30 (4) (b) 27. For the purpose of entering information concerning the subject  
6 individual into the statewide automated child welfare information system  
7 established under s. 46.03 (7) (g). A county department under s. 46.215, 46.22, 46.23,  
8 51.42, or 51.437, the department of health and family services, the department of  
9 corrections, or any other organization that has entered into an information sharing  
10 and access agreement with one of those county departments or departments and that  
11 has been approved for access to the statewide automated child welfare information  
12 system by the department of health and family services may have access to  
13 information concerning a client of that county department, department, or  
14 organization under this chapter or ch. 48 or 938 that is maintained in the statewide  
15 automated child welfare information system, if necessary to enable the county  
16 department, department, or organization to perform its duties under this chapter or  
17 ch. 48 or 938 or to coordinate the delivery of services under this chapter or ch. 48 or  
18 938 to the client. Before entering any information about an individual into the  
19 statewide automated child welfare information system, the person entering the  
20 information shall notify the individual that the information entered may be disclosed  
21 as provided in this subdivision.

22 **SECTION 3.** 938.78 (2) (h) of the statutes is created to read:

23 938.78 (2) (h) Paragraph (a) does not prohibit an agency from entering the  
24 content of any record kept or information received about an individual in its care or  
25 legal custody into the statewide automated child welfare information system

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1 established under s. 46.03 (7) (g). Paragraph (a) also does not prohibit a county  
2 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health  
3 and family services, the department of corrections, or any other organization that  
4 has entered into an information sharing and access agreement with one of those  
5 county departments or departments and that has been approved for access to the  
6 statewide automated child welfare information system by the department of health  
7 and family services from having access to information concerning a client of that  
8 county department, department, or organization under this chapter or ch. 48 or 51  
9 that is maintained in the statewide automated child welfare information system, if  
10 necessary to enable the county department, department, or organization to perform  
11 its duties under this chapter or ch. 48 or 51 or to coordinate the delivery of services  
12 under this chapter or ch. 48 or 51 to the client. Before entering any information about  
13 an individual into the statewide automated child welfare information system, the  
14 agency entering the information shall notify the individual that the information  
15 entered may be disclosed as provided in this paragraph.

16 (END)