

State Representative
Bonnie L. Ladwig
63rd Assembly District



March 19, 2003

Representative Garey Bies
Chairman, Assembly Corrections and Courts Committee
125 West, State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Chairman Bies:

Garey

I am contacting you to request a hearing on Assembly Bill 62. This legislation authorizes municipal courts to release truancy adjudications to school districts.

I introduced this legislation on behalf of a municipal court judge who was concerned that schools have a difficult time notifying the appropriate law enforcement agency or municipal court of attendance violations if schools can't obtain truancy orders from the municipal court.

Current law allows for circuit courts to release this information, but not municipal courts. Assembly Bill 62 would make state statutes more consistent by allowing both courts to release truancy adjudications.

I have introduced this legislation the past two sessions. It has passed the Assembly unanimously both times, but always failed to receive action in the Senate.

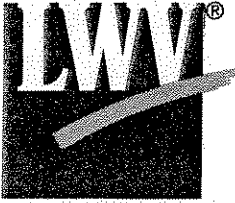
Thank you for your consideration of my request and please feel free to contact me if you have any questions or concerns.

Sincerely,

Bonnie

Bonnie Ladwig
State Representative
63rd Assembly District

BLL:jlh



The League of Women Voters of Wisconsin, Inc.

122 State Street, Madison, Wisconsin 53703-2500

608/256-0827 FX: 608/256-2853 EM: genfund@lwvwi.org URL: <http://www.lwvwi.org>

STATEMENT TO THE ASSEMBLY COMMITTEE ON CORRECTIONS AND COURTS ON ASSEMBLY BILL 62

April 9, 2003

The League of Women Voters of Wisconsin opposes the sections of AB 62 opening juvenile records to several groups of personnel not previously authorized to review them. Present law already requires the opening of juvenile court records on the request of a parent, guardian or legal custodian of a juvenile, for inspection by themselves or by a juvenile 14 years or older, or by a third party on their written permission. In addition, juvenile court records must be opened on the request of any other juvenile court, a district attorney, or corporation counsel for proceedings in the other juvenile court, and on the request of a family court, an attorney or guardian ad litem for a party in a custody action.

AB 62 expands the categories of those allowed to inspect juvenile records in two key ways. 1) It authorizes municipal courts hearing cases on local ordinances and having concurrent jurisdiction with juvenile courts to review juvenile court records, and 2) it requires that they be opened upon the request of a city, village, or town attorney, or an attorney or guardian ad litem of any party to a proceeding in a juvenile or municipal court. This extension is unnecessary and potentially harmful. Under current law, requests to inspect juvenile records by persons not authorized to do so may be granted by order of the juvenile court judge. Giving this privilege to municipal courts, and to city, town and village attorneys, and representatives of other parties as well is an unwarranted erosion of the principle of confidentiality which protects juveniles subject to delinquency proceedings.

The League of Women Voters urges rejection of these sections of AB 62.

LWVWI Legislative Committee contact: Meg McLane, 920/922-0546



**TESTIMONY ON ASSEMBLY BILL 62
DISCLOSURE OF JUVENILE RECORDS BY A JUVENILE COURT OR A
MUNICIPAL COURT**

**ASSEMBLY CORRECTIONS AND THE COURTS COMMITTEE
STATE REPRESENTATIVE BONNIE LADWIG
APRIL 9, 2003**

Dear Chairman Bies and members of the Assembly Corrections and the Courts Committee:

Thank you for holding a hearing on Assembly Bill 62.

This legislative change was brought to my attention from a municipal court judge back in 1998 when I was Chairperson of the Assembly Children and Families Committee. The issue centers on municipal court truancy dispositions and the exchange of information between school districts.

Current law requires a juvenile court clerk to notify a school district if school attendance is a condition of a dispositional order entered by the court. In contrast, if a municipal court judge gives the same dispositional order that information cannot be disclosed to anyone. Because of this discrepancy, the only way a school district can obtain such information from the municipal court is to petition the juvenile court for an order requiring the municipal court to release such information.

It is important for municipal courts to notify schools of truancy dispositional orders and for schools to notify the municipal court if a violation of a truancy disposition has occurred. Since schools have to engage in such a difficult process to obtain municipal court orders, it is hard for truancy dispositions to be enforced to their fullest extent.

Assembly Bill 62 clarifies this inconsistency in current law. It will allow our court system to work even better giving some accountability to truancy dispositional orders.

Current law also requires a juvenile court to open its records of a juvenile for inspection by certain parties under certain conditions for proceedings in that court. In maintaining the goal of municipal court disclosure and sharing of information, AB 130 also requires a municipal court to open its records of a juvenile for inspection by certain parties under certain conditions for proceedings in that court.

I have introduced this legislation the past two sessions and it passed the Assembly unanimously both times. Unfortunately, it always died in the state Senate before receiving final action.

Please feel free to contact me if you have any questions or concerns about Assembly Bill 62.

Nowlan, Andrew

From: Cardis, Philip
Sent: Thursday, April 24, 2003 2:53 PM
To: Nowlan, Andrew
Subject: AB 62

Andrew-

Attached are my notes on AB 62 (executive session) that you requested.



Corrections AB62
EXEC.doc

Regarding AB 252 (Michigan county inmates in WI county jails), I know Rep. Bies had some jurisdictional questions on that bill. I will get back to you on that next week. I want to look up some of the aspects of the law on that.

Talk to you later.

Good luck with your lawnmower tire.

Phil

Philip G. Cardis
Staff Attorney
Wisconsin Legislative Council
One East Main, Suite 401
Madison, WI 53701-2536
(608) 267-0683 FAX (608) 266-3830
philip.cardis@legis.state.wi.us

AB 62

- (1) Dispositional orders for truancy or habitual truancy
- (2) Disclosure of juvenile records by a juvenile court or a municipal court

(1) **Dispositional orders for truancy or habitual truancy**

Under current law, if school attendance is a condition of a dispositional order of the **juvenile court**, the order must specify what constitutes a violation of the condition and must direct the school board of the school district, or the governing body of the private school, in which the juvenile is enrolled to notify the county department of human services or social services that is responsible for supervising the juvenile of any violation of that condition.

Presently, Municipal courts cannot directly disclose information, such as school attendance, as a condition of a dispositional order to a school district. For a school district to obtain such information from the municipal court, requires the school district to petition the juvenile court for an order requiring the municipal court to release such information.

AB62 provides that, if school attendance is a condition of a dispositional order of the juvenile court **or of a municipal court** for a person who is truant or habitually truant, the order must specify what constitutes a violation of the condition and must direct the school board of the school district, or the governing body of the private school, in which the person is enrolled to notify the juvenile court **or municipal court**, or, if the person is under the supervision of an agency, to notify the agency, of any violation of that condition.

(2) **Disclosure of juvenile records by a juvenile court or a municipal court**

Under current law, records of the juvenile court and of a municipal court exercising jurisdiction over a juvenile for a violation of a municipal ordinance, subject to certain exceptions, are not open to inspection and their contents may not be disclosed **except by order of the juvenile court.**

AB 62 requires a municipal court to open its records of a juvenile for inspection as a juvenile court would (subject to the same exceptions.).

Also, the bill requires a juvenile court to open its records of a juvenile for inspection by a **municipal court**, city, village, or town attorney, or attorney or guardian ad litem for a party for purposes of proceedings in that **municipal court.**

Assembly Republican Majority

Bill Summary

AB 62: Truancy Orders and Disclosure of Juvenile Records

Relating to: dispositional orders for truancy or habitual truancy and the disclosure of juvenile records by a juvenile court or a municipal court.

Introduced by Representatives Ladwig, Olsen, Ainsworth, Albers, Bies, Gielow, Grothman, Hahn, Hines, Kerkman, Kestell, F. Lasee, Lassa, J. Lehman, M. Lehman, Musser, Ott, Owens, Seratti, Stone, Townsend, Vukmir, Ziegelbauer and Hundertmark; cosponsored by Senators Stepp, S. Fitzgerald and Roessler.

Date: June 3, 2003

BACKGROUND

Dispositional orders for truancy or habitual truancy- Under current law, if school attendance is a condition of a dispositional order of the juvenile court, the order must specify what constitutes a violation of the condition and must direct the school board of the school district, or the governing body of the private school, in which the juvenile is enrolled to notify the county department of human services or social services that is responsible for supervising the juvenile of any violation of that condition.

Presently, municipal courts cannot directly disclose information, such as school attendance, as a condition of a dispositional order to a school district. For a school district to obtain such information from the municipal court, the school district must petition the juvenile court for an order requiring the municipal court to release such information.

Disclosure of juvenile records by a juvenile court or municipal court- Under current law, records of the juvenile court and of a municipal court exercising jurisdiction over a juvenile for a violation of a municipal ordinance, subject to certain exceptions, are not open to inspection and their contents may not be disclosed except by order of the juvenile court.

SUMMARY OF AB 62

Dispositional orders for truancy or habitual truancy- AB 62 provides that, if school attendance is a condition of a dispositional order of the juvenile court or of a municipal court for a person who is truant or habitually truant, the order must specify what constitutes a violation of the condition and must direct the school board of the school district, or the governing body of the private school, in which the person is enrolled to notify the juvenile court or municipal court, or, if the person is under the supervision of an agency, to notify the agency, of an violation of that condition.

Disclosure of juvenile records by a juvenile court or municipal court- AB 62 requires a municipal court to open its records of a juvenile for inspection as a juvenile court would (subject to the same exceptions).

Also, AB 62 requires a juvenile court to open its records of a juvenile for inspection by a municipal court, city, village, or town attorney, or attorney or guardian ad litem for a party for purposes of proceedings in that municipal court.

FISCAL EFFECT

No fiscal estimates were required for this legislation.

PROS

1. Assembly Bill 62 would facilitate greatly improved communication between a municipal court and a school district in matters of truancy orders.
2. This bill would allow for greater accountability for truancy orders.
3. Brings uniformity to the process of opening court records for a juvenile in either juvenile court or municipal court. In both instances, the opening of the records would be subject to the restrictions currently in place for the juvenile court.

CONS

1. In regards to the opening of court records, the bill expands the categories of those allowed to inspect juvenile records.

SUPPORTERS

Rep. Bonnie Ladwig, author; Sen. Cathy Stepp, lead co-sponsor; WI Sheriffs & Deputy Sheriffs Association.

OPPOSITION

League of Women Voters.

HISTORY

Assembly Bill 62 was introduced on February 18, 2003, and referred to the Assembly Committee on Corrections and the Courts. A public hearing was held on April 9, 2003. On April 23, 2003, the Committee voted 8-0-2 [Reps. Albers and Colon absent] to recommend passage of Assembly Bill 62.

CONTACT: Andrew Nowlan, Office of Rep. Garey Bies

AB 62

Disp Orders

Disclos

School Attend part of DO cost &
dist can communicate

Disclosure

Muni cost to disclose records

AB 62

Municipal Court cannot notify of
truancy issues.

AB62 allows municipal court to
notify school districts of truancy
dispositions & for districts to
notify muni courts of truancy violations.

Protection of juvenile rights

JEFF WISWELL

Wiso. SHERIFFS & DEPUTY
SHERIFFS ASSOC.

REGISTER AYE

AB 62

AMERICAN RECORD

WALL STREET JOURNAL