

**Senate Bill 487
(Roessler/Kestell)**

Relating to permitting confidential information to be entered into, and accessed from, the statewide automated child welfare information system.

- Cannot exec. because we need the fiscal note.
 - DHFS will testify in favor of the bill.
 - SB 487 permits an agency to enter information (info such as Mental Health or AODA treatment) received about an individual in its care, into the statewide automated child welfare information system (generally referred to as "WISACWIS").
 - The bill also permits DHFS; DOC; a county department of human services, social services, community programs, or developmental disabilities services (county department) 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.
- * Access is only permitted if it is needed 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

Auth.....

1 Co to
Answer...

Testimony on Senate Bill 487

SENATE BILL 487, WHICH PERMITS CONFIDENTIAL INFORMATION TO BE ENTERED INTO AND ACCESSED FROM THE STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM, WAS BROUGHT TO MY ATTENTION BY THE DEPARTMENT OF HEALTH AND FAMILY SERVICES. I WILL BRIEFLY EXPLAIN WHY I FEEL THIS IS A NECESSARY AND CRITICAL PIECE OF LEGISLATION, AND THEN WILL TURN IT OVER TO MARK MITCHELL OF DHFS TO DESCRIBE IT FURTHER.

I WILL BEGIN WITH A LITTLE BACKGROUND. THE WISCONSIN STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM IS A COMPREHENSIVE SYSTEM THAT PROVIDES INTEGRATED CASE MANAGEMENT FUNCTIONALITY TO USERS. IT IS A FINANCIAL AND CASE MANAGEMENT SYSTEM THAT MONITORS CHILD WELFARE SERVICES SUCH AS FAMILY REUNIFICATION AND SUPPORT SERVICES, FOSTER CARE, KINSHIP CARE AND ADOPTION SERVICES, AND INITIAL ASSESSMENTS, AMONG OTHER THINGS.

SENATE BILL 487 WILL ALLOW DHFS, DEPT OF CORRECTIONS, COUNTY HUMAN AND SOCIAL SERVICES, CHILD WELFARE AGENCIES, OR A LICENSED DAY CARE CENTER TO ENTER INFORMATION ABOUT AN INDIVIDUAL (IN IT'S CARE OR LEGAL CUSTODY) INTO WISACWIS. THE BILL THEN ALLOWS A MEMBERS OF THESE AGENCIES TO ACCESS INFORMATION CONCERNING AN INDIVIDUAL UNDER THE CHILDREN'S CODE, THE JUVENILE JUSTICE CODE, OR THE MENTAL HEALTH ACT THAT IS MAINTAINED ON WISACWIS, IF IT IS NECESSARY FOR THE AGENCY TO PERFORM THEIR DUTIES AND COORDINATE SERVICES UNDER THESE CODES.

CURRENTLY, THESE AGENCIES CANNOT DISCLOSE ALL INFORMATION ON THEIR CLIENTS. IN SOME CASES, THIS HINDERS THE ABILITY OF DHFS, DOC, AND CHILD WELFARE AGENCY EMPLOYEES. NOW THAT THERE IS A SYSTEM IN PLACE TO MANAGE THIS INFORMATION, THE CONFIDENTIALITY LAWS MUST BE UPDATED.

SENATE BILL 487 WILL STILL PROTECT THE PRIVACY OF INDIVIDUALS AND FAMILIES AND WILL ALLOW AGENCIES TO COMMUNICATE MORE EFFECTIVELY. WHEN DEALING WITH CHILD ABUSE AND NEGLECT ISSUES, IT IS CRITICAL THAT ALL AGENTS HAVE AS MUCH INFORMATION AS POSSIBLE TO PROTECT AND ENSURE THE SAFETY OF CHILDREN.

I WILL NOW TURN IT OVER TO MARK FOR MORE DETAILS AND QUESTIONS...

Carol,
let me know
if you'd like
more... will be
in early.
Thanks,
Sam

SB487

**TESTIMONY REGARDING SUBSIDIZED GUARDIANSHIP
AND WISACWIS CONFIDENTIALITY**

Senate Committee on Health, Children, Families, Aging and Long Term Care
Department of Health and Family Services
March 2, 2004

Subsidized Guardianship

- Under federal and state law, placement of a child with a guardian is an acceptable form of permanence for a child.
- For many children, particularly older children, guardianship is the best permanency alternative because they cannot be safely returned home and adoption has either been attempted or it is not practical.
- Many guardians require ongoing financial assistance in order to allow them to adequately care for the child but they do not require ongoing services from the child welfare agency.
- In order to continue to make a payment to a guardian (much like an adoption assistance payment would be made to an adoptive parent), under federal funding laws the child welfare agency currently needs to maintain an open child welfare case and conduct permanency plan reviews every six months.
- In order to facilitate permanence for these children and allow child welfare caseworkers to close the cases and have more time to deal with active child welfare cases where safety continues to be an issue, the Department has applied to the federal government for a waiver to allow us to claim Title IV-E funds for subsidies to guardians.
- We are anticipating federal approval of our waiver request in the very near future. The granting of a waiver requires us to conduct a sophisticated evaluation of the program and the project must be cost neutral to the federal government.
- Given these requirements, we are proposing to operate the project only in Milwaukee County at the present time. The federal waiver language and the bill before you today will allow us to expand operation of the project when we believe it can be done within the parameters of the federal waiver.
- The principles of this proposal are the following:
 - Improving permanency outcomes for children and families
 - Promoting the use of relatives as foster care resources
 - Ensuring the safety of children through permanence with caring adults
 - Providing needed services but minimizing the involvement of child welfare agencies in the lives of families
- We anticipate the following outcomes as a result of this proposal:
 - Fewer children in long-term foster care
 - Increased rates of permanency for guardianship and adoption
 - Increased use of relatives as placement resources
 - Fewer disrupted placements for children

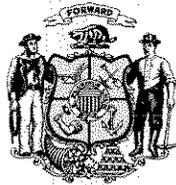
- No increase in subsequent reports of child abuse or neglect
- Reduced administrative costs for case management services

WiSACWIS Confidentiality

- WiSACWIS is the Wisconsin Statewide Automated Child Welfare Information System, the development of which was strongly encouraged and significantly funded by the federal government
- In addition to being an information system, it is also, and more importantly, a case management system which is based on Wisconsin's child welfare policies and directs good child welfare practice based on our standards
- At the current time, WiSACWIS includes a wide range of information regarding families involved with the child welfare system, generally regarding issues around child abuse and neglect, and includes family assessments, case plans, permanency plans for children in out-of-home care, and other information needed by child welfare staff to assure the safety and well-being of the children and families we serve
- Included in the information required by the federal government and maintained in the system, is information related to aspects of families that contribute to a child's safety being at risk, including mental health, alcohol and other drug abuse, and developmental disability information.
- Under current Wisconsin statutes, there are some limitations on what information can be communicated from one part of the human services system to another. If a county operates under a Human Services arrangement, more information can be shared between child welfare and, for example, mental health staff than if the county operated under a Social Services arrangement.
- Given that we now have a statewide case management system, we need to upgrade our confidentiality laws so that information that is needed to protect the safety of children and provide treatment and services to families is more easily communicated to those who need the information.
- This bill modifies existing statutes to recognize the interrelatedness of information about families that is consistent with the federal laws upon which our state laws are based. In fact, we specifically asked federal officers if we needed to be concerned about, for example, mental health information being contained in our child welfare system; they stated that it should be included and any interpretation of federal laws that would prohibit it was an erroneous interpretation. In order to comply with federal regulations for federal funds for WiSACWIS, the system must provide for the sharing of this information between county departments of human or social services as needed for child protection services. [Ref. s. 34 CFR 1355.53(b)(4)]
- We have developed stringent confidentiality policies regarding WiSACWIS so that access to information is on a need to know basis. We are currently making changes to WiSACWIS that will use technology to further assure the confidentiality of all information through limitations on access.

- We strongly support the right of families to privacy and have always worked diligently to assure that information about families is kept confidential. The proposed changes made by this bill do not in any way weaken our commitment to confidentiality. The changes merely reflect that we now have a statewide automated system rather than paper case files and will not reduce the level of privacy that families have a right to expect.

WISCONSIN STATE SENATE



Carol Roessler
STATE SENATOR

March 2, 2004

To: Senate Committee on Health, Children, Families, Aging and Long Term Care Members.

From: Senator Carol Roessler, Chair

Re: Paper Ballots: Assembly Bill 841, Assembly Bill 211, Senate Bill 487, Senate Bill 488, Senate Bill 484 and Senate Bill 82.

Please find attached paper ballots for the following bills:

Assembly Bill 841: Relating to various changes to the regulation of hearing instrument specialists, speech-language pathologists, and audiologists and granting rule-making authority.

Assembly Bill 211: Relating to a nonstock, nonprofit corporation organized by the Child Abuse and Neglect Prevention Board, the membership of that board, the grant programs administered by that board, and making appropriations.

Senate Bill 487: Relating to permitting confidential information to be entered into, and accessed from, the statewide automated child welfare information system. **The fiscal note is attached.**

Senate Bill 488: Relating to the appointment of a guardian for certain children in need of protection or services, the payment of subsidized guardianship payments to a guardian of a child who meets certain requirements, and making an appropriation. **The fiscal note is attached.**

Senate Bill 484: Relating to contracts for services under Medical Assistance. **The fiscal note is attached.**

Senate Bill 82: Relating to kinship care, notice of guardianship proceedings, creating a health services consent form, requesting the Joint Legislative Council to study guardianship and legal custody.

Motion

The Senate Committee on Health, Children, Families, Aging and Long Term Care recommends passage of **Senate Bill 487**, relating to permitting confidential information to be entered into, and accessed from, the statewide automated child welfare information system.

Aye X

No _____

Signature *Chuck Chala*

Motion

The Senate Committee on Health, Children, Families, Aging and Long Term Care recommends passage of **Senate Bill 488**, relating to the appointment of a guardian for certain children in need of protection or services, the payment of subsidized guardianship payments to a guardian of a child who meets certain requirements, and making an appropriation.

Aye X

No _____

Signature *Chuck Chala*

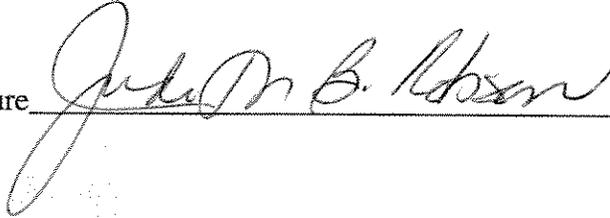
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Aye _____

No _____

Signature _____



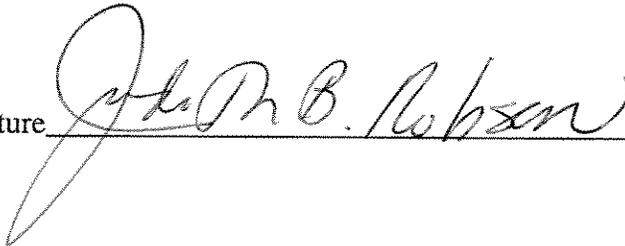
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Aye _____

No _____

Signature _____



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Aye X No _____

Signature Carol Roesler

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Aye X No _____

Signature Carol Roesler

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Aye _____

No _____

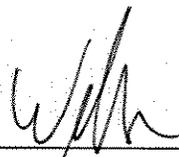
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Aye _____

No _____

Signature _____ 

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Aye _____

No _____

Signature _____



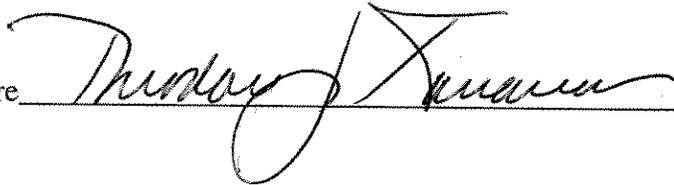
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Aye _____

No _____

Signature _____



Motion

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Aye X No _____

Signature Ron Brown 3/2/04

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Aye X No _____

Signature Ron Brown