



2005 SENATE BILL 651

March 3, 2006 - Introduced by Senator ROESSLER, cosponsored by Representatives VOS and TOWNSEND. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT** *to renumber and amend* 46.03 (7) (g); *to amend* 20.435 (3) (j), 46.215
2 (1m) (title), 46.22 (1) (c) 8. f., 46.22 (1) (dm) (title), 46.23 (3) (e) (title), 48.78 (2)
3 (h), 51.30 (4) (b) 27. and 938.78 (2) (h); and *to create* 46.215 (1p), 46.22 (1) (dp),
4 46.23 (3) (ed) and 48.981 (7) (dm) of the statutes; **relating to:** the
5 confidentiality of information entered into the statewide automated child
6 welfare information system.

Analysis by the Legislative Reference Bureau

Under current law, information received by the Department of Health and Family Services (DHFS), a county department of human services or social services, or a licensed child welfare agency (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.

Current law permits an agency to enter information received about an individual in its care or legal custody, and a person maintaining treatment records

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to enter information concerning a subject individual, into the statewide automated child welfare information system (generally referred to as "WISACWIS"). Current law also permits DHFS; the Department of Corrections (DOC); a county department of human services, social services, community programs, or developmental disabilities services; or 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 (organization) 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 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. Finally, under current law, before an agency may enter information about an individual into WISACWIS, the agency must notify the individual that the information may be disclosed as provided under current law.

This bill permits an agency to enter the content of any record kept or information received by the agency into WISACWIS regardless of whether the record or information is about an individual in the care or legal custody of the agency. The bill also eliminates access to information that is maintained in WISACWIS by DOC or by a county department of community programs or developmental disabilities services, unless DOC or such a county department has entered into an information sharing and access agreement with DHFS or a county department of human services or social services and has been approved by DHFS for access to WISACWIS. The bill, however, permits access by a county department of human services or social services, DHFS, or an organization to information maintained in WISACWIS regardless of whether that information concerns a client. Finally, the bill eliminates the requirement that an individual be notified before information about the individual is entered into WISACWIS.

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

1 **SECTION 1.** 20.435 (3) (j) of the statutes is amended to read:
2 20.435 **(3)** (j) *Statewide automated child welfare information system receipts.*
3 All moneys received from counties under s. 46.45 (2) (a), for the costs of implementing
4 and operating the statewide automated child welfare information system
5 established under s. 46.03 ~~(7)~~ ~~(g)~~ (7g).

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1 **SECTION 2.** 46.03 (7) (g) of the statutes is renumbered 46.03 (7g) and amended
2 to read:

3 46.03 **(7g)** STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. ~~Before~~
4 ~~July 1, 2005, establish~~ Establish a statewide automated child welfare information
5 system. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981
6 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 252.15,
7 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), the department may enter
8 the content of any record kept or information received by the department into the
9 statewide automated child welfare information system, and a county department
10 under s. 46.215, 46.22 or 46.23, the department, or any other organization that has
11 entered into an information sharing and access agreement with the department or
12 any of those county departments and that has been approved for access to the
13 statewide automated child welfare information system by the department may have
14 access to information that is maintained in that system, if necessary to enable the
15 county department, department, or organization to perform its duties under this
16 chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the delivery
17 of services under this chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b.

18 **SECTION 3.** 46.215 (1m) (title) of the statutes is amended to read:

19 46.215 **(1m)** (title) EXCHANGE OF INFORMATION; LONG-TERM CARE.

20 **SECTION 4.** 46.215 (1p) of the statutes is created to read:

21 46.215 **(1p)** EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE
22 INFORMATION SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78
23 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11
24 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county
25 department under this section may enter the content of any record kept or

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1 information received by that county department into the statewide automated child
2 welfare information system established under s. 46.03 (7g).

3 **SECTION 5.** 46.22 (1) (c) 8. f. of the statutes is amended to read:

4 46.22 (1) (c) 8. f. ~~Before July 1, 2005, the~~ The county department of social
5 services shall implement the statewide automated child welfare information system
6 established by the department under s. 46.03 ~~(7) (g)~~ (7g).

7 **SECTION 6.** 46.22 (1) (dm) (title) of the statutes is amended to read:

8 46.22 (1) (dm) (title) *Exchange of information; long-term care.*

9 **SECTION 7.** 46.22 (1) (dp) of the statutes is created to read:

10 46.22 (1) (dp) *Exchange of information; statewide automated child welfare*
11 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
12 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7),
13 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county department
14 under this section may enter the content of any record kept or information received
15 by that county department into the statewide automated child welfare information
16 system established under s. 46.03 (7g).

17 **SECTION 8.** 46.23 (3) (e) (title) of the statutes is amended to read:

18 46.23 (3) (e) (title) *Exchange of information; long-term care.*

19 **SECTION 9.** 46.23 (3) (ed) of the statutes is created to read:

20 46.23 (3) (ed) *Exchange of information; statewide automated child welfare*
21 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
22 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7),
23 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county department
24 under this section may enter the content of any record kept or information received

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1 by that county department into the statewide automated child welfare information
2 system established under s. 46.03 (7g).

3 **SECTION 10.** 48.78 (2) (h) of the statutes, as created by 2005 Wisconsin Act 25,
4 is amended to read:

5 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
6 department, or a licensed child welfare agency from entering the content of any
7 record kept or information received ~~about an individual in its care or legal custody~~
8 by the department, county department, or licensed child welfare agency into the
9 statewide automated child welfare information system established under s. 46.03 (7)
10 (g). ~~Paragraph (a) also does not prohibit a county department under s. 46.215, 46.22,~~
11 ~~46.23, 51.42, or 51.437, the department of health and family services, the department~~
12 ~~of corrections, or any other organization that has entered into an information~~
13 ~~sharing and access agreement with one of those county departments or departments~~
14 ~~and that has been approved for access to the statewide automated child welfare~~
15 ~~information system by the department of health and family services from having~~
16 ~~access to information concerning a client of that county department, department, or~~
17 ~~organization under this chapter or ch. 51 or 938 that is maintained in the statewide~~
18 ~~automated child welfare information system, if necessary to enable the county~~
19 ~~department, department, or organization to perform its duties under this chapter or~~
20 ~~ch. 51 or 938 or to coordinate the delivery of services under this chapter or ch. 51 or~~
21 ~~938 to the client. Before entering any information about an individual into the~~
22 ~~statewide automated child welfare information system, the department, county~~
23 ~~department, or licensed child welfare agency entering the information shall notify~~
24 ~~the individual that the information entered may be disclosed as provided in this~~
25 ~~paragraph (7g).~~

SENATE BILL 651**SECTION 11**

1 **SECTION 11.** 48.981 (7) (dm) of the statutes is created to read:

2 48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of
3 any report or record maintained by the agency into the statewide automated child
4 welfare information system established under s. 46.03 (7g).

5 **SECTION 12.** 51.30 (4) (b) 27. of the statutes, as created by 2005 Wisconsin Act
6 25, is amended to read:

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

24 **SECTION 13.** 938.78 (2) (h) of the statutes, as created by 2005 Wisconsin Act 25,
25 is amended to read:

