

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2007 SENATE BILL 384**

March 6, 2008 – Offered by Senator GROTHMAN.

1     **AN ACT** *to amend* 48.396 (2) (a) and 938.396 (2); and *to create* 48.396 (2m) and  
2           938.396 (2m) of the statutes; **relating to:** disclosure of juvenile court records  
3           to agencies providing services to a juvenile court and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Under current law, subject to certain exceptions, the records of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) are confidential and may not be opened to inspection or their contents disclosed except by order of the juvenile court. Current law, however, requires a juvenile court, on the request of any other juvenile court, a municipal court, or a district attorney, corporation counsel, municipal attorney, or attorney or guardian ad litem for a party to a proceeding in that other juvenile court or municipal court to review the juvenile court's records for the purpose of that proceeding, to open for inspection by any authorized representative of the requester the records of the juvenile court relating to any child who has been the subject of a proceeding in the juvenile court.

This substitute amendment provides that the records of the juvenile court shall be open for inspection by a social worker employed by the Department of Health and Family Services, a county department of human services or social services, or a licensed child welfare agency who is providing services to a juvenile court. Before a person may inspect a record under the substitute amendment, the person must

submit a signed statement to the custodian of the record stating why inspection of the record is necessary and stating that the person will keep the information obtained from the record confidential as required under current law and will use and further disclose the information only for the purpose of providing services to the juvenile court. A person who obtains any information under the substitute amendment may use and further disclose the information only for the purpose of providing services to the juvenile court or as permitted under current law.

In addition, the substitute amendment provides for a forfeiture of not more than \$5,000 for a person who intentionally discloses information in violation of the substitute amendment.

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

1           **SECTION 1.** 48.396 (2) (a) of the statutes is amended to read:

2           48.396 **(2)** (a) Records of the court assigned to exercise jurisdiction under this  
3 chapter and ch. 938 and of courts exercising jurisdiction under s. 48.16 shall be  
4 entered in books or deposited in files kept for that purpose only. ~~They~~ Those records  
5 shall not be open to inspection or their contents disclosed except by order of the court  
6 assigned to exercise jurisdiction under this chapter and ch. 938 or as permitted under  
7 this ~~section~~ subsection, sub. (2m), or (6), or s. 48.375 (7) (e).

8           **SECTION 2.** 48.396 (2m) of the statutes is created to read:

9           48.396 **(2m)** Notwithstanding sub. (2) (a), records of a court assigned to  
10 exercise jurisdiction under this chapter and ch. 938 shall be open for inspection by  
11 a social worker employed by the department, a county department, or a licensed child  
12 welfare agency who is providing services to a court under s. 48.06, 48.07, 938.06, or  
13 938.07. Before a person may inspect a record under this subsection, the person shall  
14 submit a signed statement to the custodian of the record stating why inspection of  
15 the record is necessary and stating that the person will keep the information  
16 obtained from the record confidential as required under ss. 48.78 and 938.78 and will  
17 use and further disclose that information only for the purpose of providing services

1 to a court under s. 48.06, 48.07, 938.06, or 938.07 or as permitted under s. 48.78 or  
2 938.78. A person who obtains any information under this subsection shall keep the  
3 information confidential as provided in the signed statement and may use and  
4 further disclose the information only for the purpose specified in the signed  
5 statement or as permitted under ss. 48.78 and 938.78. Any person who intentionally  
6 discloses information in violation of this subsection may be required to forfeit not  
7 more than \$5,000.

8 **SECTION 3.** 938.396 (2) of the statutes is amended to read:

9 **938.396 (2) COURT RECORDS; CONFIDENTIALITY.** Records of the court assigned to  
10 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising  
11 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for  
12 that purpose only. Those records shall not be open to inspection or their contents  
13 disclosed except by order of the court assigned to exercise jurisdiction under this  
14 chapter and ch. 48 or as permitted under sub. (2g), (2m), or (10).

15 **SECTION 4.** 938.396 (2m) of the statutes is created to read:

16 **938.396 (2m) CONFIDENTIALITY OF COURT RECORDS; OTHER EXCEPTIONS.**  
17 Notwithstanding sub. (2), records of the court assigned to exercise jurisdiction under  
18 this chapter and ch. 48 shall be open for inspection by a social worker employed by  
19 the department of health and family services, a county department, or a licensed  
20 child welfare agency who is providing services to a court under s. 48.06, 48.07,  
21 938.06, or 938.07. Before a person may inspect a record under this subsection, the  
22 person shall submit a signed statement to the custodian of the record stating why  
23 inspection of the record is necessary and stating that the person will keep the  
24 information obtained from the record confidential as required under ss. 48.78 and  
25 938.78 and will use and further disclose that information only for the purpose of

1 providing services to a court under s. 48.06, 48.07, 938.06, or 938.07 or as permitted  
2 under s. 48.78 or 938.78. A person who obtains any information under this  
3 subsection shall keep the information confidential as provided in the signed  
4 statement and may use and further disclose the information only for the purpose  
5 specified in the signed statement or as permitted under ss. 48.78 and 938.78. Any  
6 person who intentionally discloses information in violation of this subsection may be  
7 required to forfeit not more than \$5,000.

8 (END)