

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB384)

Received: 03/06/2008

Received By: gmalaise

Wanted: Today

Identical to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Children - child welfare
Children - juvenile justice
Children - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Disclosure of juvenile court records; require statement of necessity

Instructions:

limit disclosure to social worker employed by DHFS, county departmentor child welfare agency. Requirie social worker to submit statement to custodian of record stating why inspection of record is necessary and that social worker will use record only for purpose of providing services.

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

FE Sent For:

<END>

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limit disclosure to social worker employed by DHFS, county department or child welfare agency. Require social worker to submit statement to custodian of record stating why inspection of record is necessary and that social worker will use record only for purpose of providing services.

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/?	gmalaise	1 bjk 3/8	nwn 3/6	nwn/cmh 3/6			

FE Sent For:

<END>

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now!!! RUSH!!!

stays bk

SENATE SUBSTITUTE AMENDMENT,
TO 2007 SENATE BILL 384

bhv SAV

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.

- 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 employees of to agencies providing services to a juvenile court and providing a penalty.

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 the Department of Health and Family Services, a county department of human services or social services, or a licensed child welfare agency providing services to a 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.

who is

Before a person may inspect a record under this subsection, the person shall submit a signed statement to the custodian of the record stating why inspection of the record is necessary and stating that the person will

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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.

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

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

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

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

48.396 (2m) Notwithstanding sub. (2) (a), records of a court assigned to exercise jurisdiction under this chapter and ch. 938 shall be open for inspection by the department, a county department, or a licensed child welfare agency providing services to a court under s. 48.06, 48.07, 938.06, or 938.07. A person who obtains any

information under this subsection shall keep the information confidential as required under ss. 48.78 and 938.78 and may use and further disclose that information only for the purpose of providing services to a court under s. 48.06, 48.07, 938.06, or 938.07 or as permitted under s. 48.78 or 938.78. Any person who intentionally discloses information in violation of this subsection may be required to forfeit not more than \$5,000.

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

and shall keep A person who obtains any information under this subsection shall keep the information confidential as provided in the signed statement and may use and further disclose the information only for the purpose specified in the signed statement or as permitted under ss. 48.78 and 938.78

a social worker employed by who is obtained from the record obtained under this subsection

will

Before a person may inspect a record under this subsection
The person shall submit a signed statement to the

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- 3 -

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SECTION 3

Custodian
Custodian of the record stating why inspection of the record is necessary and stating that the person will

1 938.396 (2) COURT RECORDS; CONFIDENTIALITY. Records of the court assigned to
2 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising
3 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for
4 that purpose only. Those records shall not be open to inspection or their contents
5 disclosed except by order of the court assigned to exercise jurisdiction under this
6 chapter and ch. 48 or as permitted under sub. (2g), (2m), or (10).

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

938.396 (2m) CONFIDENTIALITY OF COURT RECORDS; OTHER EXCEPTIONS.

9 Notwithstanding sub. (2), records of the court assigned to exercise jurisdiction under
10 this chapter and ch. 48 shall be open for inspection by the department of health and
11 family services, a county department, or a licensed child welfare agency providing
12 services to a court under s. 48.06, 48.07, 938.06, or 938.07.

13 ~~information under this subsection shall~~ keep the information confidential as
14 required under ss. 48.78 and 938.78 and ~~may~~ use and further disclose that
15 information only for the purpose of providing services to a court under s. 48.06, 48.07,
16 938.06, or 938.07 or as permitted under s. 48.78 or 938.78. Any person who
17 intentionally discloses information in violation of this subsection may be required to
18 forfeit not more than \$5,000.

(END)

A person who obtains any information under this subsection shall
keep the information confidential as provided in the signed statement
and may use and further disclose the information only for the
purpose specified in the signed statement or as permitted under
ss. 48.07 and 938.07