








# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/06/2012 (Per: PJK & GMM)

### **Compile Draft – Appendix E** **... Part 01 of 01**

- A  The 2011 drafting file for LRB-0558
- B  The 2011 drafting file for LRB-0559
- C  The 2011 drafting file for LRB-0560
- D  The 2011 drafting file for LRB-0563
- E  The 2011 drafting file for LRB-0569

**2011 LRB-0569** has been copied/added to the drafting file for

**2011 LRB-0568**

2011 DRAFTING REQUEST

Bill

Received: 11/19/2010

Received By: gmalaise

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC 6-9791

By/Representing: Laura Rose

May Contact:

Drafter: gmalaise

Subject: Children - abuse and neglect  
Children - out-of-home placement

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: laura.rose@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect investigations; foster parent training

Instructions:

See attached--fix s. 48.981 (3) (c) 1. a. as per attached and repeal s. 48.675

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gmalaise 11/23/2010	kfollett 12/01/2010	rschluet 12/01/2010	_____	lparisi 12/01/2010		
/I	gmalaise 01/13/2012	jdyer 01/16/2012	jmurphy 01/17/2012	_____	sbasford 01/17/2012		

FE Sent For:

<END>

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/P1	gmalaise 11/23/2010	kfollett 12/01/2010	rschluet 12/01/2010	_____	lparisi 12/01/2010		

FE Sent For:

*T/Kjed*  
*gm 11/16/12*  
*Y phl AC*  
 <END>

2011 DRAFTING REQUEST

Bill

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Received By: gmalaise

Wanted: As time permits

Companion to LRB:

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By/Representing: Laura Rose

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Instructions:

See attached--fix s. 48.981 (3) (c) 1. a. as per attached and repeal s. 48.675

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/P1	gmalaise	1 P/16f 12/17		Kon 12 GI 1			

FE Sent For:

<END>

**Malaise, Gordon**

**From:** Rose, Laura  
**Sent:** Tuesday, November 16, 2010 3:17 PM  
**To:** Malaise, Gordon  
**Subject:** FW: Department of Children and Families Law Revision Proposals  
**Attachments:** law revision-1.pdf

Hi, Gordon,

Attached are the Law Revision remedial legislation proposals from DCF for the upcoming legislative session. I reviewed them, and I think they are okay. Please let me know if you have any questions.

Thanks very much,

Laura

*Laura D. Rose, Deputy Director*

Wisconsin Legislative Council

One East Main Street, Suite 401

PO Box 2536

Madison, WI 53701-2536

tel: 608.266.9791

fax: 608.266.3830

[laura.rosco@legis.wisconsin.gov](mailto:laura.rosco@legis.wisconsin.gov)

---

**From:** DCF Secretary Reggie Bicha [<mailto:DCFSecretaryReggieBicha@wisconsin.gov>]  
**Sent:** Friday, October 29, 2010 3:20 PM  
**To:** Anderson, Terry C.  
**Cc:** Rose, Laura  
**Subject:** Department of Children and Families Law Revision Proposals

I am attaching the Department of Children and Families Law Revision Proposals. Thank you.

Sincerely,

Reggie Bicha  
Secretary

11/16/2010

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341) Library (608-266-7040) Legal (608-266-3561)

LRB

Jim Doyle  
Governor

Reggie Bicha  
Secretary



State of Wisconsin  
Department of Children and Families


201 East Washington Avenue, Room G200  
P.O. Box 8916  
Madison, WI 53708-8916

Telephone: 608-267-3905  
Fax: 608-266-6836  
dcf.wisconsin.gov

**CORRESPONDENCE/ Memorandum** \_\_\_\_\_ State of Wisconsin

**Date:** October 29, 2010

**To:** Director Terry Anderson  
Legislative Council

**From:** Secretary Reggie Bicha   
Department of Children and Families

**Subject:** Department of Children and Families Law Revision Proposals

The Department of Children and Families is seeking a number of technical amendments through the law revision process. Below are the proposals listed by program area and unless otherwise stated the proposal has not been introduced in previous sessions and have no fiscal effect.

### 3. Child Abuse and Neglect

#### Specific Statutory Change

48.981(3)(c)1.a "...if the agency determines that a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of the child, determines that a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of the child, or cannot identify an individual suspected of abuse or neglect or of threatened abuse or neglect of ~~determine who abused or neglected~~ the child, within 24 hours after receiving the report the agency shall...initiate a diligent investigation to determine if the child is in need of protection or services."

#### Administrative or Substantive Problem with Current Law and Need for the Change

The verb tense used in section 48.981(3)(c)1.a. is confusing. The section refers to the suspicion of abuse or neglect, but then when referring to an unknown maltreater, the language implies that there is substantiated abuse or neglect. The language should be clarified to avoid this confusion. The current language implies that if there is no maltreater identified, that can only be true if the child was definitely abused or neglected. This could lead to a misinterpretation of the law. The current language reads: "...if the agency determines that a caregiver **is suspected** of abuse or neglect or of threatened abuse or neglect of the child, determines that a caregiver **is suspected** of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of the child, **or cannot determine who abused or neglected the child**, within 24 hours after receiving the report the agency shall...initiate a diligent investigation to determine if the child is in need of protection or services."

### 4. Conflicting language from 2009 Act 336

#### Specific Statutory Change

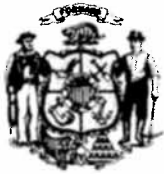
Remove 48.675 from the statutes

#### Administrative or Substantive Problem with Current Law and Need for the Change

Act 336 (and last session's budget act) created provisions for mandatory foster parent training. However, neither of these acts removed s. 48.675 from the statutes, which directs the department to develop a voluntary foster education program. Section 48.675 should be removed. Not removing this language would leave a direct conflict in the statutes regarding whether foster parent training is mandatory or voluntary.

**[REDACTED]**

**[REDACTED]**



State of Wisconsin  
2011 - 2012 LEGISLATURE

201123



LRB-0569/P1  
GMM...

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

1 **AN ACT** ...; **relating to:** requiring an agency that receives a report of child abuse  
 2 or neglect to initiate a diligent investigation if the agency cannot identify an  
 3 individual who is suspected of abuse or neglect of the child and eliminating a  
 4 voluntary foster care education education program developed by the  
 5 Department of Children and Families (suggested as remedial legislation by the  
 6 Department of Children and Families)

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

Under current law, if a county department of human services or social services (county department), the Department of Children and Families in a county having a population of 500,000 or more (DCF), or a licensed child welfare agency under contract with a county department or DCF to perform child abuse and neglect investigations (collectively "agency"), after evaluating a report of suspected or threatened child abuse or neglect, cannot determine who abused or neglected the child, the agency must initiate a diligent investigation to determine if the child is in need of protection or services. This bill instead requires an agency to initiate such an investigation if the agency cannot identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child.

Current law requires DCF to promulgate rules establishing minimum requirements for the issuance of foster home licenses, including rules requiring all foster parents to successfully complete training in the care and support needs of



children who have been placed in foster care. That training must be completed before the first child is placed with the foster parent and on an ongoing basis. Current law also requires DCF to develop a voluntary foster care education program to provide specialized training for foster parent, who provide care for children with special treatment needs. This bill eliminates that voluntary foster care education program.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Children and Families and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1

**SECTION 1.** 48.675 of the statutes is repealed.

*as affected by 2009 Wisconsin Act 28,*

2

**SECTION 2.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

3

48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the

4

agency shall evaluate the report to determine whether there is reason to suspect that

5

a caregiver has abused or neglected the child, has threatened the child with abuse

6

or neglect, or has facilitated or failed to take action to prevent the suspected or

7

threatened abuse or neglect of the child. Except as provided in sub. (3m), if the

8

agency determines that a caregiver is suspected of abuse or neglect or of threatened

9

abuse or neglect of the child, determines that a caregiver is suspected of facilitating

10

or failing to take action to prevent the suspected or threatened abuse or neglect of

11

the child, or cannot determine who abused or neglected the child identify an

12

individual who is suspected of abuse or neglect or of threatened abuse or neglect of

13

the child, within 24 hours after receiving the report the agency shall, in accordance

14

with the authority granted to the department under s. 48.48 (17) (a) 1. or the county

15

department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the

1 child is in need of protection or services. If the agency determines that a person who  
2 is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in  
3 accordance with that authority, initiate a diligent investigation to determine if the  
4 child is in need or protection or services. Within 24 hours after receiving a report  
5 under par. (a) of suspected unborn child abuse, the agency, in accordance with that  
6 authority, shall initiate a diligent investigation to determine if the unborn child is  
7 in need of protection or services. An investigation under this subd. 1. a. shall be  
8 conducted in accordance with standards established by the department for  
9 conducting child abuse and neglect investigations or unborn child abuse  
10 investigations.

**History:** Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185.

11

(END)

**Malaise, Gordon**

---

**From:** Sappenfield, Anne  
**Sent:** Thursday, January 12, 2012 2:56 PM  
**To:** Malaise, Gordon  
**Subject:** law revision drafts

**Attachments:** lrb0568.doc; lrb0569.doc

Hi Gordon!

DCF has ok'd a couple of drafts you drafted for consideration by the Law Revision Committee. They are 0568 and 0569. The committee may meet on Jan. 26 or 31 or Feb. 2. I am attaching notes that I would like inserted in the drafts if there is time.

Thanks and let me know if you have any questions

Hope you are well,



lrb0568.doc (28  
KB)



lrb0569.doc (28  
KB)

Anne

*Anne Sappenfield*  
Senior Staff Attorney  
WI Legislative Council  
(608) 267-9485



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0569 FY  
GMM:kjfrs

CM 1115  
Wanted 11/20

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2011 BILL

4

Regen

1 **AN ACT to repeal** 48.675; and **to amend** 48.981 (3) (c) 1. a. of the statutes;

2 **relating to:** requiring an agency that receives a report of child abuse or neglect

3 to initiate a diligent investigation if the agency cannot identify an individual

4 who is suspected of abuse or neglect of the child and eliminating a voluntary

5 foster care education program developed by the Department of Children and

6 Families (suggested as remedial legislation by the Department of Children and

7 Families).

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

Under current law, if a county department of human services or social services (county department), the Department of Children and Families in a county having a population of 500,000 or more (DCF), or a licensed child welfare agency under contract with a county department or DCF to perform child abuse and neglect investigations (collectively "agency"), after evaluating a report of suspected or threatened child abuse or neglect, cannot determine who abused or neglected the child, the agency must initiate a diligent investigation to determine if the child is in need of protection or services. This bill instead requires an agency to initiate such an investigation if the agency cannot identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child.

Current law requires DCF to promulgate rules establishing minimum requirements for the issuance of foster home licenses, including rules requiring all

foster parents to successfully complete training in the care and support needs of children who have been placed in foster care. That training must be completed before the first child is placed with the foster parent and on an ongoing basis. Current law also requires DCF to develop a voluntary foster care education program to provide specialized training for foster parents who provide care for children with special treatment needs. This bill eliminates that voluntary foster care education program.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Children and Families and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Insert  
1  
2-2  
2

**SECTION 1.** 48.675 of the statutes ~~as affected by 2009 Wisconsin Act 28~~ is repealed.

**SECTION 2.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the agency shall evaluate the report to determine whether there is reason to suspect that a caregiver has abused or neglected the child, has threatened the child with abuse or neglect, or has facilitated or failed to take action to prevent the suspected or threatened abuse or neglect of the child. Except as provided in sub. (3m), if the agency determines that a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of the child, determines that a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of the child, or cannot ~~determine who abused or neglected the child~~ identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child, within 24 hours after receiving the report the agency shall, in accordance with the authority granted to the department under s. 48.48 (17) (a) 1. or the county

1 department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the  
2 child is in need of protection or services. If the agency determines that a person who  
3 is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in  
4 accordance with that authority, initiate a diligent investigation to determine if the  
5 child is in need or protection or services. Within 24 hours after receiving a report  
6 under par. (a) of suspected unborn child abuse, the agency, in accordance with that  
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8 in need of protection or services. An investigation under this subd. 1. a. shall be  
9 conducted in accordance with standards established by the department for  
10 conducting child abuse and neglect investigations or unborn child abuse  
11 investigations.

(END)

12  
Insert ✓  
3-11

Insert 2c

MNTL

Ha. Sec. 6

MSB

[insert after SECTION 1]

Repeals statute ~~requiring~~ the Department of Children and Families to develop a voluntary foster parent education program for foster parents who provide care for children with special treatment needs.

[insert after SECTION 2]

~~Under current law, if an agency that investigates child abuse or neglect allegations cannot determine who abused or neglected the child, the agency or the county human or social services department must initiate a diligent investigation to determine if the child is in need of protection or services within 24 hours after receiving the report. The bill draft instead requires an investigation to be initiated within 24 hours if the agency cannot identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child.~~

(end of insert)

Law - 300

[insert after SECTION 1]  
Repeals statute requiring the Department of Children and Families to develop a voluntary foster parent education program for foster parents who provide care for children with special treatment needs.

NOTE:

or report of alleged ✓

[insert after SECTION 2]  
Under current law, if an agency that investigates child abuse or neglect allegations cannot determine who abused or neglected the child, the agency or the county human or social services department must initiate a diligent investigation to determine if the child is in need of protection or services within 24 hours after receiving the report. The bill draft instead requires an investigation to be initiated within 24 hours if the agency cannot identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child.

REPEALS  
EXISTING  
STATUTE

THIS SECTION

after receiving such a report

(cd A - 7)





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0569/1  
GMM:kjf:jm

2011 BILL

1     **AN ACT** *to repeal* 48.675; and *to amend* 48.981 (3) (c) 1. a. of the statutes;  
2           **relating to:** requiring an agency that receives a report of child abuse or neglect  
3           to initiate a diligent investigation if the agency cannot identify an individual  
4           who is suspected of abuse or neglect of the child and eliminating a voluntary  
5           foster care education program developed by the Department of Children and  
6           Families (suggested as remedial legislation by the Department of Children and  
7           Families).

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

Under current law, if a county department of human services or social services (county department), the Department of Children and Families in a county having a population of 500,000 or more (DCF), or a licensed child welfare agency under contract with a county department or DCF to perform child abuse and neglect investigations (collectively "agency"), after evaluating a report of suspected or threatened child abuse or neglect, cannot determine who abused or neglected the child, the agency must initiate a diligent investigation to determine if the child is in need of protection or services. This bill instead requires an agency to initiate such an investigation if the agency cannot identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child.

Current law requires DCF to promulgate rules establishing minimum requirements for the issuance of foster home licenses, including rules requiring all

**BILL**

foster parents to successfully complete training in the care and support needs of children who have been placed in foster care. That training must be completed before the first child is placed with the foster parent and on an ongoing basis. Current law also requires DCF to develop a voluntary foster care education program to provide specialized training for foster parents who provide care for children with special treatment needs. This bill eliminates that voluntary foster care education program.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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1           **SECTION 1.** 48.675 of the statutes, is repealed.

NOTE: Repeals a statute that requires the Department of Children and Families to develop a voluntary foster parent education program for foster parents who provide care for children with special treatment needs.

2           **SECTION 2.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

3           48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the  
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11 the child, or cannot determine who abused or neglected the child identify an  
12 individual who is suspected of abuse or neglect or of threatened abuse or neglect of  
13 the child, within 24 hours after receiving the report the agency shall, in accordance

**BILL**

1 with the authority granted to the department under s. 48.48 (17) (a) 1. or the county  
2 department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the  
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7 under par. (a) of suspected unborn child abuse, the agency, in accordance with that  
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10 conducted in accordance with standards established by the department for  
11 conducting child abuse and neglect investigations or unborn child abuse  
12 investigations.

NOTE: Under current law, if an agency that investigates a report of alleged child abuse or neglect cannot determine who abused or neglected the child, the agency must initiate a diligent investigation to determine if the child is in need of protection or services within 24 hours after receiving the report. This SECTION instead requires an investigation to be initiated within 24 hours after receiving such a report if the agency cannot identify an individual who is suspected of abuse or neglect or of threatened abuse or neglect of the child.

13

(END)