

2013 DRAFTING REQUEST

Bill

Received: 10/8/2012 Received By: gmalaise
Wanted: As time permits Same as LRB:
For: Director of State Courts 7-9733 By/Representing: Nancy Rottier
May Contact: Drafter: gmalaise
Subject: Children - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: nancy.rottier@wicourts.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Access to juvenile court records and hearings for purposes of research under federal court improvement grant

Instructions:

See attached--redraft 11-4365/1 with attached changes

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>
/?	gmalaise 10/8/2012	evinz 10/22/2012	jfrantze 10/22/2012	_____			
/1	gmalaise 11/20/2012	csicilia 11/1/2012	jfrantze 11/1/2012	_____	mbarman 11/1/2012		
/2		csicilia 11/26/2012	jfrantze 11/26/2012	_____	sbasford 11/26/2012	srose 1/29/2014	

FE Sent For:

*None
needed*

<END>

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/1	gmalaise 11/20/2012	csicilia 11/1/2012	jfrantze 11/1/2012	_____	mbarman 11/1/2012		
/2		csicilia 11/26/2012	jfrantze 11/26/2012	_____	sbasford 11/26/2012		

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/?	gmalaise 10/8/2012	evinz 10/22/2012	10/22/2012	_____			
/1		csicilia 11/1/2012	11/1/2012	_____	mbarman 11/1/2012		

FE Sent For:

2 gjs 11/26 / 12 <END> Ph Jo 11/26

2013 DRAFTING REQUEST

Bill

Received: 10/8/2012 Received By: gmalaise
Wanted: As time permits Companion to LRB:
For: Director of State Courts 7-9733 By/Representing: Nancy Rottier
May Contact: Drafter: gmalaise
Subject: Children - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: nancy.rottier@wicourts.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Access to juvenile court records and hearings for purposes of research under federal court improvement grant

Instructions:

See attached--redraft 11-4365/1 with attached changes

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>
/?	gmalaise		<i>Jb</i> 10/22	<i>Jm</i> 10/22			
				<i>Jf</i> km 11/1			

FE Sent For:

<END>

Malaise, Gordon

From: Nancy Rottier <Nancy.Rottier@wicourts.gov>
Sent: Friday, October 05, 2012 2:27 PM
To: Malaise, Gordon
Cc: Michelle Jensen-Goodwin
Subject: Comments on LRB 43651
Attachments: Records Access Comments (10.4.12).docx

Gordon,

I have attached comments and suggested changes to LRB-4635/1, a draft that was sent to me on August 15, 2012. We would like to pursue this amended proposal for introduction in the 2013-14 legislative session. As such, I assume the numbering might change to reflect a preliminary 13-14 bill rather than the earlier 11-12 bill. Please give me a call if you have any questions.

Nancy M. Rottier
Legislative Liaison, Supreme Court
16 East, State Capitol
P.O. Box 1688
Madison, WI 53701-1688
(608) 267-9733
Nancy.Rottier@wicourts.gov

LRB – 4365/1 Comments and Additional Instructions

SECTION 1. 48.396 (2) (b) of the statutes is renumbered 48.396 (2) (b) 1.

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

48.396 (2) (b) 2. Upon request of an entity engaged in bona fide research, monitoring, and evaluation of activities under 42 USC 629h, as determined by the director of state courts, to review court records for the purpose of those activities, the court ~~or the director of state courts~~ shall open those records for inspection and copying by authorized representatives of that entity. The director of state courts may use the circuit court automated information systems established under s. 758.19 (4) to facilitate the transfer of electronic records between the court and the entity.

SECTION 3. 938.396 (2g) (b) of the statutes is renumbered 938.396 (2g) (b) 1.

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

938.396 (2g) (b) 2. Upon request of an entity engaged in bona fide research, monitoring, and evaluation of activities under 42 USC 629h, as determined by the director of state courts, to review court records for the purpose of those activities, the court ~~or the director of state courts~~ shall open those records for inspection and copying by authorized representatives of that entity. The director of state courts may use the circuit court automated information systems established under s. 758.19 (4) to facilitate the transfer of electronic records between the court and the entity.

Additional Instructions

1. Please amend ss. 48.396 (2)(b) 1. and 938.396 (2)(b) 1. to allow records to be both open to inspection and copying. *(as)*
2. Amend s. 48.299(1) and s. 938.299(1) to allow persons *(CA)* conducting *(engagement in the)* bona fide research, monitoring, and evaluation *(conduct)* of activities under 42 USC 629h to observe hearings under each chapter.

Question for Drafter

1. Is it preferable for the legislation to reference the *(More precise)* federal citation for the Court Improvement Program, or to list the actual name of the program?

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN


(Request Made By: GMM) (Date: 10 / 12 / 12)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)




 Please transfer the drafting file for
2011 LRB 4365 (For: ~~Rep.~~ Sen. State Courts)

to the drafting file for

2013 LRB 0237 (For: ~~Rep.~~ Sen. State Courts)

-----OR-----

 Please copy the drafting file for
2013 LRB _____ (For: Rep. / Sen. _____)

and place it in the drafting file for

2013 LRB _____ (For: Rep. / Sen. _____)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____



IN 1018



0237/1
N

2011 BILL

and admission to juvenile court hearings of,

1 AN ACT *to renumber* 48.396 (2) (b) and 938.396 (2g) (b); and *to create* 48.396
2 (2) (b) 2. and 938.396 (2g) (b) 2. of the statutes; **relating to:** the disclosure of
3 juvenile court records to an entity engaged in ^{the} bona fide research, monitoring,
4 and evaluation ^{of} ^{conducted} activities under a federal court improvement grant.

Analysis by the Legislative Reference Bureau

Under current law, 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 for inspection, or their contents disclosed, except under certain statutory exceptions or by an order of the juvenile court. Currently, those exceptions include an exception that requires the juvenile court to disclose its records on the request of a federal agency to review those records for the purpose of monitoring and conducting periodic evaluations of activities required under Titles IV-B and IV-E of the Social Security Act (Titles IV-B and E), which relate to child welfare and family preservation services and to foster care and adoption assistance.

This bill requires a juvenile court ~~or the director of state courts~~ to disclose juvenile court records on the request of an entity engaged in ^{the} bona fide research, monitoring, and evaluation ^{of} activities under a federal court improvement grant, as determined by the director of state courts, to review those records for the purpose of those activities. A federal court improvement grant is a grant from the secretary of the federal Department of Health and Human Services to the highest state court in

that research, monitoring, and evaluation

conducted

BILL

Insert
A →

a state participating in programs under Titles IV-B and E to assess the effectiveness of courts in that state in implementing Titles IV-B and E.

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

that research, monitoring, and evaluation

~~SECTION 1. 48.396 (2) (b) of the statutes is renumbered 48.396 (2) (b) 1.~~

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

48.396 (2) (b) 2. Upon request of an entity engaged in ^{the} bona fide research, monitoring, and evaluation ^{of} ^{conducted} activities under 42 USC 629h, as determined by the director of state courts, to review court records for the purpose of ~~those activities~~, ^{and copying} the court ~~or the director of state courts~~ shall open those records for inspection by authorized representatives of that entity.

Insert
2-8
7
8

~~SECTION 3. 938.396 (2g) (b) of the statutes is renumbered 938.396 (2g) (b) 1.~~

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

938.396 (2g) (b) 2. Upon request of an entity engaged in ^{the} bona fide research, monitoring, and evaluation ^{of} ^{conducted} activities under 42 USC 629h, as determined by the director of state courts, to review court records for the purpose of ~~those activities~~, ^{and copying} the court ~~or the director of state courts~~ shall open those records for inspection by authorized representatives of that entity.

(END)

The director of state courts may use the circuit court automated information system under s. 758.19 (4) to facilitate the transfer of electronic records between the court and that entity.

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0237/lins
GMM.....

(INSERT 2-1)

1 **SECTION 1.** 48.299 (1) (ag) of the statutes is amended to read:

2 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
3 a public hearing is not held, only the parties and their counsel or guardian ad litem,
4 the court-appointed special advocate for the child, the child's foster parent or other
5 physical custodian described in s. 48.62 (2), witnesses, and other persons requested
6 by a party and approved by the court may be present, except that the court may
7 exclude a foster parent or other physical custodian described in s. 48.62 (2) from any
8 portion of the hearing if that portion of the hearing deals with sensitive personal
9 information of the child or the child's family or if the court determines that excluding
10 the foster parent or other physical custodian would be in the best interests of the
11 child. Except in a proceeding under s. 48.375 (7), any other person the court finds
12 to have a proper interest in the case or in the work of the court, including a member
13 of the bar or a person engaged in the bona fide research, monitoring, and evaluation
14 of activities conducted under 42 USC 629h, may be admitted by the court.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180; 2011 a. 181.

15 **SECTION 2.** 48.396 (2) (b) of the statutes is renumbered 48.396 (2) (b) 1. and
16 amended to read:

17 48.396 (2) (b) 1. Upon request of the department or a federal agency to review
18 court records for the purpose of monitoring and conducting periodic evaluations of
19 activities as required by and implemented under 45 CFR 1355, 1356, and 1357, the

1 court shall open those records for inspection and copying by authorized
2 representatives of the department or federal agency.

History: 1971 c. 278; 1977 c. 354 s. 47; 1977 c. 449; Stats. 1977 s. 48.396; 1979 c. 300; 1979 c. 333 s. 5; 1983 a. 74 s. 32; 1983 a. 487, 538; 1985 a. 311, 332; 1987 a. 27, 180, 403; 1989 a. 31, 107, 145; 1991 a. 39, 263; 1993 a. 98, 195, 228, 334, 479, 491; 1995 a. 27 ss. 2479 to 2480m, 9126 (19); 1995 a. 77, 173, 275, 352, 440, 448; 1997 a. 35, 80, 191, 205, 252, 292; 1999 a. 32, 89; 2003 a. 82; 2005 a. 344, 434; 2005 a. 443 s. 265; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97; 2009 a. 302, 338; 2011 a. 270.

(END OF INSERT)

(INSERT 2-8)

3 **SECTION 3.** 938.299 (1) (a) of the statutes is amended to read:

4 938.299 (1) (a) Except as provided in par. (ar), the general public shall be
5 excluded from hearings under this chapter unless a public fact-finding hearing is
6 demanded by a juvenile through his or her counsel. The court shall refuse to grant
7 the public hearing, however, if the victim of an alleged sexual assault objects or, in
8 a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is
9 not held, only the parties, their counsel, witnesses, a representative of the news
10 media who wishes to attend the hearing for the purpose of reporting news without
11 revealing the identity of the juvenile involved and other persons requested by a party
12 and approved by the court may be present. Any other person the court finds to have
13 a proper interest in the case or in the work of the court, including a member of the
14 bar or a person engaged in the bona fide research, monitoring, and evaluation of
15 activities conducted under 42 USC 629h, may be admitted by the court.

History: 1995 a. 77, 275, 352; 1997 a. 35, 205, 252, 296; 1999 a. 32, 188; 2001 a. 16; 2003 a. 284, 326; 2005 a. 277, 344; 2005 a. 443 s. 265; 2007 a. 97; 2009 a. 28, 94.

16 **SECTION 4.** 938.396 (2g) (b) of the statutes is renumbered 938.396 (2g) (b) 1. and
17 amended to read:

18 938.396 (2g) (b) *Federal program monitoring.* 1. Upon request of the
19 department, the department of children and families, or a federal agency to review
20 court records for the purpose of monitoring and conducting periodic evaluations of
21 activities as required by and implemented under 45 CFR 1355, 1356, and 1357, the

1 court shall open those records for inspection and copying by authorized
2 representatives of that department or federal agency.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 80, 95, 181, 205, 252, 258, 281; 1999 a. 9, 32, 89; 2001 a. 95; 2003 a. 82, 292; 2005 a. 344, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 3826 to 3827, 9121 (6) (a); 2007 a. 97; 2009 a. 302, 309, 338; 2011 a. 35, 165, 260, 270.

(END OF INSERT)

(INSERT A)

Under current law, the general public is excluded from hearings under the Children's Code and the Juvenile Justice Code. Current law, however, permits the juvenile court to admit to a hearing under the Children's Code or the Juvenile Justice Code any person whom the juvenile court finds to have a proper interest in the case or in the work of the juvenile court.

This bill permits a juvenile court to admit to a hearing under the Children's Code or the Juvenile Justice Code a person engaged in the bona fide research, monitoring, or evaluation of activities conducted under a federal court improvement grant.

(END OF INSERT)



2013 BILL

SA 13 ✓
SA 11 ✓
X-12 ✓

Gen Cat

P.O.W.O.F.
OK

js

1 AN ACT to renumber and amend 48.396 (2) (b) and 938.396 (2g) (b); to amend
2 48.299 (1) (ag) and 938.299 (1) (a); and to create 48.396 (2) (b) 2. and 938.396
3 (2g) (b) 2. of the statutes; relating to: the disclosure of juvenile court records
4 to, and admission to juvenile court hearings of, an entity engaged in the bona
5 fide research, monitoring, and evaluation of activities conducted under a
6 federal court improvement grant.

Analysis by the Legislative Reference Bureau

Under current law, 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 for inspection, or their contents disclosed, except under certain statutory exceptions or by an order of the juvenile court. Currently, those exceptions include an exception that requires the juvenile court to disclose its records on the request of a federal agency to review those records for the purpose of monitoring and conducting periodic evaluations of activities required under Titles IV-B and IV-E of the Social Security Act (Titles IV-B and E), which relate to child welfare and family preservation services and to foster care and adoption assistance.

This bill requires a juvenile court to disclose juvenile court records on the request of an entity engaged in the bona fide research, monitoring, and evaluation of activities conducted under a federal court improvement grant, as determined by the director of state courts, to review those records for the purpose of that research,

BILL

monitoring, and evaluation. A federal court improvement grant is a grant from the secretary of the federal Department of Health and Human Services to the highest state court in a state participating in programs under Titles IV-B and E to assess the effectiveness of courts in that state in implementing Titles IV-B and E.

Under current law, the general public is excluded from hearings under the Children's Code and the Juvenile Justice Code. Current law, however, permits the juvenile court to admit to a hearing under the Children's Code or the Juvenile Justice Code any person whom the juvenile court finds to have a proper interest in the case or in the work of the juvenile court.

This bill permits a juvenile court to admit to a hearing under the Children's Code or the Juvenile Justice Code a person engaged in the bona fide research, monitoring, or evaluation of activities conducted under a federal court improvement grant.

as determined by the director of state courts

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

1 **SECTION 1.** 48.299 (1) (ag) of the statutes is amended to read:

2 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
3 a public hearing is not held, only the parties and their counsel or guardian ad litem,
4 the court-appointed special advocate for the child, the child's foster parent or other
5 physical custodian described in s. 48.62 (2), witnesses, and other persons requested
6 by a party and approved by the court may be present, except that the court may
7 exclude a foster parent or other physical custodian described in s. 48.62 (2) from any
8 portion of the hearing if that portion of the hearing deals with sensitive personal
9 information of the child or the child's family or if the court determines that excluding
10 the foster parent or other physical custodian would be in the best interests of the
11 child. Except in a proceeding under s. 48.375 (7), any other person the court finds
12 to have a proper interest in the case or in the work of the court, including a member
13 of the bar or a person engaged in the bona fide research, monitoring, and evaluation
14 of activities conducted under 42 USC 6291, may be admitted by the court.

as determined by the director of state courts

BILL

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

3 48.396 (2) (b) 1. Upon request of the department or a federal agency to review
4 court records for the purpose of monitoring and conducting periodic evaluations of
5 activities as required by and implemented under 45 CFR 1355, 1356, and 1357, the
6 court shall open those records for inspection and copying by authorized
7 representatives of the department or federal agency.

8 **SECTION 3.** 48.396 (2) (b) 2. of the statutes is created to read:

9 48.396 (2) (b) 2. Upon request of an entity engaged in the bona fide research,
10 monitoring, and evaluation of activities conducted under 42 USC 629h, as
11 determined by the director of state courts, to review court records for the purpose of
12 that research, monitoring, and evaluation, the court shall open those records for
13 inspection and copying by authorized representatives of that entity. The director of
14 state courts may use the circuit court automated information system under s. 758.19
15 (4) to facilitate the transfer of electronic records between the court and that entity. ✓

16 **SECTION 4.** 938.299 (1) (a) of the statutes is amended to read:

17 938.299 (1) (a) Except as provided in par. (ar), the general public shall be
18 excluded from hearings under this chapter unless a public fact-finding hearing is
19 demanded by a juvenile through his or her counsel. The court shall refuse to grant
20 the public hearing, however, if the victim of an alleged sexual assault objects or, in
21 a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is
22 not held, only the parties, their counsel, witnesses, a representative of the news
23 media who wishes to attend the hearing for the purpose of reporting news without
24 revealing the identity of the juvenile involved and other persons requested by a party
25 and approved by the court may be present. Any other person the court finds to have

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SECTION 4

↑ as determined by the director of state courts

1 a proper interest in the case or in the work of the court, including a member of the
2 bar or a person engaged in the bona fide research, monitoring, and evaluation of
3 activities conducted under 42 USC 629h, may be admitted by the court.

4 **SECTION 5.** 938.396 (2g) (b) of the statutes is renumbered 938.396 (2g) (b) 1. and
5 amended to read:

6 938.396 (2g) (b) *Federal program monitoring.* 1. Upon request of the
7 department, the department of children and families, or a federal agency to review
8 court records for the purpose of monitoring and conducting periodic evaluations of
9 activities as required by and implemented under 45 CFR 1355, 1356, and 1357, the
10 court shall open those records for inspection and copying by authorized
11 representatives of that department or federal agency.

12 **SECTION 6.** 938.396 (2g) (b) 2. of the statutes is created to read:

13 938.396 (2g) (b) 2. Upon request of an entity engaged in the bona fide research,
14 monitoring, and evaluation of activities conducted under 42 USC 629h, as ✓
15 determined by the director of state courts, to review court records for the purpose of
16 that research, monitoring, and evaluation, the court shall open those records for
17 inspection and copying by authorized representatives of that entity. The director of
18 state courts may use the circuit court automated information system under s. 758.19 ✓
19 (4) to facilitate the transfer of electronic records between the court and that entity.

20

(END)

Malaise, Gordon

From: Nancy Rottier <Nancy.Rottier@wicourts.gov>
Sent: Tuesday, November 20, 2012 3:09 PM
To: Malaise, Gordon
Cc: Michelle Jensen-Goodwin
Subject: LRB 13-02371 re Juvenile Records

Gordon,

Thank you for the prompt action on the change of placement draft. Michelle was able to send this out with her agenda today (the group is the Judicial Commission on Child Welfare).

You had previously drafted LRB 13-0237/1 relating to access to juvenile records for persons doing research, monitoring ~~and~~ evaluation under our federal grant. In looking closely at this draft, we think we should use the word "or" throughout so that the phrase would be "research, monitoring or evaluation." In checking the LRB Bill Drafting Manual, this seems the more appropriate usage. This phrase appears 10 times in the analysis and draft, although I note it contains the "or" in the last paragraph of the analysis. Hadn't noticed that before checking more closely today.

Thank you for your assistance in changing this draft.

= AMD → OR



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0237/1
GMM:cjs:jf

IN 11/20

2
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stays

Pol

2013 BILL

Gen Cat

or

1 AN ACT to renumber and amend 48.396 (2) (b) and 938.396 (2g) (b); to amend
 2 48.299 (1) (ag) and 938.299 (1) (a); and to create 48.396 (2) (b) 2. and 938.396
 3 (2g) (b) 2. of the statutes; relating to: the disclosure of juvenile court records
 4 to, and admission to juvenile court hearings of, an entity engaged in the bona
 5 fide research, monitoring, and evaluation of activities conducted under a
 6 federal court improvement grant.

Analysis by the Legislative Reference Bureau

Under current law, 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 for inspection, or their contents disclosed, except under certain statutory exceptions or by an order of the juvenile court. Currently, those exceptions include an exception that requires the juvenile court to disclose its records on the request of a federal agency to review those records for the purpose of monitoring and conducting periodic evaluations of activities required under Titles IV-B and IV-E of the Social Security Act (Titles IV-B and E), which relate to child welfare and family preservation services and to foster care and adoption assistance.

This bill requires a juvenile court to disclose juvenile court records on the request of an entity engaged in the bona fide research, monitoring, and evaluation of activities conducted under a federal court improvement grant, as determined by the director of state courts, to review those records for the purpose of that research,

or

BILL

Or

monitoring, ~~and~~ evaluation. A federal court improvement grant is a grant from the secretary of the federal Department of Health and Human Services to the highest state court in a state participating in programs under Titles IV-B and E to assess the effectiveness of courts in that state in implementing Titles IV-B and E.

Under current law, the general public is excluded from hearings under the Children's Code and the Juvenile Justice Code. Current law, however, permits the juvenile court to admit to a hearing under the Children's Code or the Juvenile Justice Code any person whom the juvenile court finds to have a proper interest in the case or in the work of the juvenile court.

This bill permits a juvenile court to admit to a hearing under the Children's Code or the Juvenile Justice Code a person engaged in the bona fide research, monitoring, or evaluation of activities conducted under a federal court improvement grant, as determined by the director of state courts.

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

1 **SECTION 1.** 48.299 (1) (ag) of the statutes is amended to read:

2 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
3 a public hearing is not held, only the parties and their counsel or guardian ad litem,
4 the court-appointed special advocate for the child, the child's foster parent or other
5 physical custodian described in s. 48.62 (2), witnesses, and other persons requested
6 by a party and approved by the court may be present, except that the court may
7 exclude a foster parent or other physical custodian described in s. 48.62 (2) from any
8 portion of the hearing if that portion of the hearing deals with sensitive personal
9 information of the child or the child's family or if the court determines that excluding
10 the foster parent or other physical custodian would be in the best interests of the
11 child. Except in a proceeding under s. 48.375 (7), any other person the court finds
12 to have a proper interest in the case or in the work of the court, including a member
13 of the bar or a person engaged in the bona fide research, monitoring, ~~and~~ evaluation
14 of activities conducted under 42 USC 629h, as determined by the director of state
15 courts, may be admitted by the court.

Or

BILL

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

3 48.396 (2) (b) 1. Upon request of the department or a federal agency to review
4 court records for the purpose of monitoring and conducting periodic evaluations of
5 activities as required by and implemented under 45 CFR 1355, 1356, and 1357, the
6 court shall open those records for inspection and copying by authorized
7 representatives of the department or federal agency.

8 **SECTION 3.** 48.396 (2) (b) 2. of the statutes is created to read:

9 48.396 (2) (b) 2. Upon request of an entity engaged in the bona fide research,
10 monitoring, ^{or} ~~and~~ evaluation of activities conducted under 42 USC 629h, as
11 determined by the director of state courts, to review court records for the purpose of
12 that research, monitoring, ^{or} ~~and~~ evaluation, the court shall open those records for
13 inspection and copying by authorized representatives of that entity. The director of
14 state courts may use the circuit court automated information system under s. 758.19
15 (4) to facilitate the transfer of electronic records between the court and that entity.

16 **SECTION 4.** 938.299 (1) (a) of the statutes is amended to read:

17 938.299 (1) (a). Except as provided in par. (ar), the general public shall be
18 excluded from hearings under this chapter unless a public fact-finding hearing is
19 demanded by a juvenile through his or her counsel. The court shall refuse to grant
20 the public hearing, however, if the victim of an alleged sexual assault objects or, in
21 a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is
22 not held, only the parties, their counsel, witnesses, a representative of the news
23 media who wishes to attend the hearing for the purpose of reporting news without
24 revealing the identity of the juvenile involved and other persons requested by a party
25 and approved by the court may be present. Any other person the court finds to have

BILL**SECTION 4**

or

1 a proper interest in the case or in the work of the court, including a member of the
2 bar or a person engaged in the bona fide research, monitoring, and evaluation of
3 activities conducted under 42 USC 629h, as determined by the director of state
4 courts, may be admitted by the court.

5 **SECTION 5.** 938.396 (2g) (b) of the statutes is renumbered 938.396 (2g) (b) 1. and
6 amended to read:

7 938.396 (2g) (b) 1. Upon request of the department, the department of children
8 and families, or a federal agency to review court records for the purpose of monitoring
9 and conducting periodic evaluations of activities as required by and implemented
10 under 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection
11 and copying by authorized representatives of that department or federal agency.

12 **SECTION 6.** 938.396 (2g) (b) 2. of the statutes is created to read:

13 938.396 (2g) (b) 2. Upon request of an entity engaged in the bona fide research,
14 monitoring, ^{or} ~~and~~ evaluation of activities conducted under 42 USC 629h, as
15 determined by the director of state courts, to review court records for the purpose of
16 that research, monitoring, ^{or} ~~and~~ evaluation, the court shall open those records for
17 inspection and copying by authorized representatives of that entity. The director of
18 state courts may use the circuit court automated information system under s. 758.19
19 (4) to facilitate the transfer of electronic records between the court and that entity.

20

(END)

Barman, Mike

From: Malaise, Gordon
Sent: Wednesday, January 29, 2014 11:00 AM
To: Barman, Mike
Subject: FW: LRB 0237/2

Mike:

for Assembly
Send to

The Director of State Courts would like -0237/2 jacketed for Rep. Ballweg.

Gordon

From: Nancy Rottier [<mailto:Nancy.Rottier@wicourts.gov>]
Sent: Wednesday, January 29, 2014 10:27 AM
To: Malaise, Gordon
Cc: Anderson, Bethany
Subject: LRB 0237/2

Gordon,

We have been working with Rep. Joan Ballweg's office regarding the introduction of LRB 0237/2 (allowing access to juvenile court records for certain research purposes). Would you take whatever steps are necessary at your end to allow this to be jacketed? Thanks.

Nancy Rottier