

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2011 LRB-4365 (For: State Courts)

has been transferred to the drafting file for

2013 LRB-0237 (For: State Courts)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 10/12/2012 (Per: GMM)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2011 DRAFTING REQUEST

Bill

Received: **08/10/2012**

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 for purposes of research under federal court improvement grant

Instructions:

See attached

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 08/10/2012	evinz 08/15/2012		_____			
/1			phenry 08/15/2012	_____	sbasford 08/15/2012		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 08/10/2012

Received By: gmalaise

Wanted: As time permits

Companion to LRB:

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1?	gmalaise	<i>rev 8/13/12 11kt 8/15</i>	<i>8/15 ph</i>	_____	_____		

FE Sent For:

<END>

Malaise, Gordon

From: Nancy Rottier <Nancy.Rottier@wicourts.gov>
Sent: Wednesday, August 08, 2012 3:48 PM
To: Malaise, Gordon
Cc: Amy Roehl; Marcia Vandercook; Michelle Jensen-Goodwin
Subject: Drafting Request
Attachments: Records Access Drafting Instructions (1.20.12).docx

Gordon,

I have attached drafting instructions that were prepared by Michelle Jensen-Goodwin of the Children's Court Improvement Program and Marcia Vandercook of the Office of Court Operations related to juvenile records access to allow for research and evaluation purposes. I think the instructions are quite straightforward. I would request that the LRB prepare a preliminary draft for our office. If this request needs to be directed through Steve Miller's office, let me know. Please feel free to contact me 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

DIRECTOR OF STATE COURTS OFFICE
Office of Court Operations – Children’s Court Improvement Program

Date: January 20, 2012

Re: **Access to Confidential Juvenile Court Records for Research, Monitoring & Evaluation Purposes**
Legislative Proposal and Drafting Instructions

State Statutory Reference: ss. 48.396(2)(a) and (b); ss. 938.396(2g)(a) and (b)

Background: Since 1995, the Wisconsin Supreme Court, Director of State Courts Office has received the federal Court Improvement Program grant to improve the handling of child in need of protection or services (CHIPS) and termination of parental rights (TPR) cases in the court system.

As outlined in Program Instruction ACYF-CB-PI-12-02 issued on January 11, 2012, states applying for future grants are required to collect data and report on specified timeliness measures and quality indicators related to court hearings and legal representation. The Director of State Courts Office is interested in pursuing an intergovernmental data-sharing agreement to allow the University of Wisconsin – Madison, Institute for Research on Poverty (IRP) to review, collect, and analyze statewide data contained in CCAP and county circuit court files to evaluate case processing in Chapter 48 cases. This partnership with IRP would provide the court system with the information necessary to develop a Continuous Quality Improvement program that systematically monitors court performance and promotes evidenced-based practices.

Issue: As stated in ss. 48.396(2)(a) and 938.396(2g)(a), juvenile court records shall not be open to inspection or disclosed except by court order or under narrow circumstances specified in statute. Under ss. 48.396(2)(b) and 938.396(2g)(b), the court is permitted to open records for inspection to monitor and conduct periodic evaluations of activities implemented under 45 CFR 1355, 1356, and 1357. However, this section only authorizes a federal agency or the Department of Children and Families to review court records for the purpose of assessing activities covered in the cited regulations, and the authorizing citation for the Court Improvement Program, 42 U.S.C. 629h, is not referenced. There is no language in state statute to address the sharing of confidential juvenile records by the Director of State Courts Office to a third party for research, monitoring and evaluation purposes.

Drafting Instructions: When drafting changes to Chapter 48 for the purposes stated above, the following considerations should be made:

1. Create new subdivisions following ss. 48.396(2)(b) and 938.396(2g)(b)
2. Permit the court assigned to exercise jurisdiction under ch. 48 or ch. 938, or the Director of State Courts Office, to allow review of confidential juvenile court records by a person or entity engaged in bona fide research, monitoring and evaluation as determined by the Director’s Office
3. Specifically reference research and evaluation related to the Court Improvement Program under 42 U.S.C. 629h



State of Wisconsin
2011 - 2012 LEGISLATURE

IN 8110



LRB-4365/7

GMM.....

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1 AN ACT ...; relating to: the disclosure of juvenile court records to an entity
2 engaged in bona fide research, monitoring, and evaluation activities under a
3 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 bona fide research, monitoring, and evaluation 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 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:

1 **SECTION 1.** ^x48.396 (2) (b) of the statutes is renumbered ^x48.396 (2) (b) 1.

2 **SECTION 2.** [✓]48.396 (2) (b) 2. of the statutes is created to read:

3 48.396 (2) (b) 2. Upon request of an entity engaged in bona fide research,
4 monitoring, and evaluation activities under 42 USC [✓]629h, as determined by the
5 director of state courts, to review court records for the purpose of those activities, the
6 court or the director of state courts shall open those records for inspection by
7 authorized representatives of that entity.

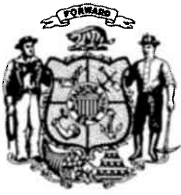
8 **SECTION 3.** ^x938.396 (2g) (b) of the statutes is renumbered ^x938.396 (2g) (b) 1.

9 **SECTION 4.** [✓]938.396 (2g) (b) 2. of the statutes is created to read:

10 938.396 (2g) (b) 2. Upon request of an entity engaged in bona fide research,
11 monitoring, and evaluation activities under 42 USC [✓]629h, as determined by the
12 director of state courts, to review court records for the purpose of those activities, the
13 court or the director of state courts shall open those records for inspection by
14 authorized representatives of that entity.

15

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4365/1
GMM:eev&kjf:ph

2011 BILL

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 bona fide research, monitoring,
4 and evaluation 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 bona fide research, monitoring, and evaluation 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

BILL

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7 authorized representatives of that entity.

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12 director of state courts, to review court records for the purpose of those activities, the
13 court or the director of state courts shall open those records for inspection by
14 authorized representatives of that entity.

15 **(END)**