



2013 SENATE BILL 528

January 30, 2014 – Introduced by Senator OLSEN, cosponsored by Representatives KRUG, SKOWRONSKI, KAHL, BIES and KLEEFISCH. Referred to Committee on Health and Human Services.

1 **AN ACT to create** 48.981 (7) (cp) of the statutes; **relating to:** prohibiting the
2 disclosure of a determination that a person has abused or neglected a child for
3 purposes of a caregiver background check when that abuse or neglect has not
4 been substantiated.

Analysis by the Legislative Reference Bureau

Under current law, child abuse and neglect reports and records are confidential and may be disclosed only to certain persons or for certain purposes specified in current law, including for purposes of a caregiver background check.

The federal Child Abuse Prevention and Treatment Act (CAPTA), however, includes as an eligibility requirement for receipt of a grant under that act that a state has in effect provisions requiring the prompt expungement, for purposes of employment or other background checks, of records that relate to child abuse or neglect cases determined to be unsubstantiated or false.

This bill conforms state law to CAPTA by: 1) permitting a determination made before January 1, 2015, that a person has abused or neglected a child to be disclosed for purposes of a caregiver background check only if that determination has not been reversed or modified on appeal; and 2) permitting such a determination made on or after January 1, 2015, to be disclosed for those purposes only if that determination is a final agency determination that the person has abused or neglected the child or, if a contested case hearing is held on such a determination, is a final administrative or judicial decision that the person has abused or neglected the child. The bill also

