

2013 DRAFTING REQUEST

**Bill**

Received: 1/24/2014 Received By: gmalaise  
Wanted: 1/26/2014 4:00:00 PM Same as LRB:  
For: Luther Olsen (608) 266-0751 By/Representing: Randy Thorson (Rep. Krug)  
May Contact: Drafter: gmalaise  
Subject: Children - abuse and neglect Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Olsen@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Confidentiality of unsubstantiated child abuse reports

**Instructions:**

Draft companion to -3029/4

**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 1/24/2014	scalvin 1/24/2014		_____			
/1			jfrantze 1/27/2014	_____	sbasford 1/27/2014	sbasford 1/27/2014	

FE Sent For:

NOT NEEDED

<END>

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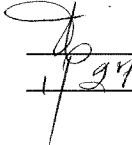
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/?	gmalaise	1 sac 01/24/2014	1 sac 01/24/2014	 1/24			

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3020/4

GMM:sac:jf

Stays

4105h

SN 1124  
Mon 1126  
Companion

**2013 BILL**

*gen act*

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



**Basford, Sarah**

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**From:** Merdler, Michelle  
**Sent:** Monday, January 27, 2014 8:03 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -4105/1 Topic: Confidentiality of unsubstantiated child abuse reports

Please Jacket LRB -4105/1 for the SENATE.

Thank you!

Michelle

Michelle Merdler  
Office of Senator Luther Olsen  
14<sup>th</sup> Senate District  
[Michelle.Merdler@legis.wisconsin.gov](mailto:Michelle.Merdler@legis.wisconsin.gov)  
608-266-0751  
[Senator Olsen on Facebook](#)