
















State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

Date Transfer Requested: 10/01/2013 (Per: EHS)

Appendix G

- Appendix A1  The drafting file for LRB 13-0480 (used to create 13-3303)
- Appendix A2  The drafting file for LRB 11-0558 (used to create 13-0480)
- Appendix B1  The drafting file for LRB 13-0481 (used to create 13-3303)
- Appendix B2  The drafting file for LRB 11-0559 (used to create 13-0481)
- Appendix C1  The drafting file for LRB 13-0482 (used to create 13-3303)
- Appendix C2  The drafting file for LRB 11-0560 (used to create 13-0482)
- Appendix D1  The drafting file for LRB 13-0483 (used to create 13-3303)
- Appendix D2  The drafting file for LRB 11-0563 (used to create 13-0483)
- Appendix E  The drafting file for LRB 13-0484 (used to create 13-3303)
- Appendix F  The drafting file for LRB 13-0486 (used to create 13-3303)
- Appendix G  The drafting file for LRB 13-0487 (used to create 13-3303)
- Appendix H  The drafting file for LRB 13-0488 (used to create 13-3303)
- Appendix I  The drafting file for LRB 13-0489 (used to create 13-3303)

has been transferred to the drafting file for

2013 LRB-3303

2013 DRAFTING REQUEST

Bill

Received: **11/2/2012** Received By: **eshea**
Wanted: **As time permits** Same as LRB:
For: **Legislative Council - LRC** By/Representing: **Anne Sappenfield**
May Contact: Drafter: **eshea**
Subject: **Children - child welfare** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Anne.Sappenfield@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

County department suspicion of child abuse or neglect

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>
/?	eshea 11/8/2012	jdyer 11/9/2012		_____			
/P1			jfrantze 11/9/2012	_____	srose 11/9/2012		
/P2	gmalaise 8/9/2013	jdyer 11/9/2012	jfrantze 11/9/2012	_____	sbasford 11/9/2012		
/1		jdyer	phenry	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		8/12/2013	8/12/2013	_____	8/12/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

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Received: 11/2/2012 Received By: eshea
 Wanted: As time permits Same as LRB:
 For: Legislative Council - LRC By/Representing: Anne Sappenfield
 May Contact: Drafter: eshea
 Subject: Children - child welfare Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Anne.Sappenfield@legis.wisconsin.gov
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Topic:

County department suspicion of child abuse or neglect

Instructions:

See attached

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/?	eshea 11/8/2012	jdyer 11/9/2012		_____			
/P1		1/8/12 jld	jfrantze 11/9/2012	_____	srose 11/9/2012		
/P2		jdyer 11/9/2012	jfrantze 11/9/2012	_____	sbasford 11/9/2012		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 11/2/2012 Received By: eshea
Wanted: As time permits Companion to LRB:
For: Legislative Council - LRC By/Representing: Anne Sappenfield
May Contact: Drafter: eshea
Subject: Children - child welfare Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

County department suspicion of child abuse or neglect

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>
/?	eshea 11/8/2012	jdye 11/9/2012		_____			
/P1		/P2 11/9 jld	11/9/2012	_____	srose 11/9/2012		
FE Sent For:				_____			

<END>

2013 DRAFTING REQUEST

Bill

Received: 11/2/2012 Received By: eshea
Wanted: As time permits Same as LRB:
For: Legislative Council - LRC By/Representing: Anne Sappenfield
May Contact: Drafter: eshea
Subject: Children - child welfare Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

County department suspicion of child abuse or neglect

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>
1?	eshea	PI 11/8 jld		RS 11/9			

FE Sent For:

<END>

Shea, Elisabeth

From: Malaise, Gordon
Sent: Thursday, November 01, 2012 3:53 PM
To: Kahler, Pam; Shea, Elisabeth
Subject: FW: DCF Law Revision Proposals

From: Sappenfield, Anne
Sent: Thursday, November 01, 2012 3:35 PM
To: Malaise, Gordon
Subject: RE: DCF Law Revision Proposals

They should be drafted separately.

Thank you,
Anne

From: Malaise, Gordon
Sent: Thursday, November 01, 2012 3:22 PM
To: Sappenfield, Anne
Subject: RE: DCF Law Revision Proposals

Anne:

So how do they want this drafted—all rolled into one as in 2011 SB 460 or each item in the Secretary's memo drafted separately?

Gordon

From: Sappenfield, Anne
Sent: Thursday, November 01, 2012 2:25 PM
To: Malaise, Gordon
Subject: FW: DCF Law Revision Proposals

Hi Gordon,

I am attaching DCF's requests to the Law Revision Committee for remedial legislation for next session.

Let me know if you have any questions.

Thanks!
Anne

From: DCF Secretary Eloise Anderson [<mailto:DCFSecretaryEloiseAnderson@wisconsin.gov>]
Sent: Wednesday, October 31, 2012 10:30 AM
To: Sappenfield, Anne
Cc: Archer, Cynthia - DCF; Lippert, MaryAnn - DCF
Subject: DCF Law Revision Proposals

11/5/2012

Attached please find the Department of Children and Families remedial legislation proposals for consideration. A hard copy will follow in the mail.

11/5/2012



wisconsin department of children & families

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

Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

DATE: November 1, 2012
TO: Ann Sappenfield, Senior Staff Attorney
Joint Legislative Council
anne.sappenfield@legis.wi.gov
From: Eloise Anderson, Secretary
RE: Department of Children and Families Law Revision Proposals.

The Department of Children and Families (DCF) has identified the following remedial legislation proposals for consideration by the Law Revision Committee:

Child Welfare

2. Suspected Abuse or Neglect

Specific Statutory Change:

Amend the shaded portion s. 48.981 (3) (c) 1. a. below to indicate "suspicion" when referring to an unknown suspected perpetrator.

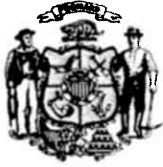
(c) Duties of county departments. 1. a. Immediately after receiving a report under par. (a), the agency shall evaluate the report to determine whether there is reason to suspect that a caregiver has abused or neglected the child, has threatened the child with abuse or neglect, or has facilitated or failed 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, within 24 hours after receiving the report the agency shall....."

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

Throughout the above provision suspicion of abuse or neglect is referenced. However, when referring to an unknown abuser/neglector, the language implies actual abuse or neglect has occurred. The department recommends amending this section by adding language more consistent with the concept of suspicion such as: ... "or cannot identify an individual suspected of abuse or neglect or of threatened abuse or neglect of determine who of abused or neglected the child, within 24 hours after receiving the report, the agency shall...."

Fiscal Effect: None

Earlier LRB Draft: LRB-0569/P1



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0569/P1 0487/P1

GMM:ljf

+ EHS

RMNR

lh 11/7/12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

JLD

PWF

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regenerate

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

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

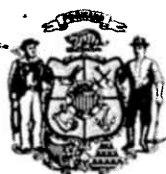
3 **SECTION 2.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

4 48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the
5 agency shall evaluate the report to determine whether there is reason to suspect that
6 a caregiver has abused or neglected the child, has threatened the child with abuse
7 or neglect, or has facilitated or failed to take action to prevent the suspected or
8 threatened abuse or neglect of the child. Except as provided in sub. (3m), if the
9 agency determines that a caregiver is suspected of abuse or neglect or of threatened
10 abuse or neglect of the child, determines that a caregiver is suspected of facilitating
11 or failing to take action to prevent the suspected or threatened abuse or neglect of
12 the child, or cannot ~~determine who abused or neglected the child~~ identify an
13 individual who is suspected of abuse or neglect or of threatened abuse or neglect of
14 the child, within 24 hours after receiving the report the agency shall, in accordance
15 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
7 authority, shall initiate a diligent investigation to determine if the unborn child is
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.

12

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0487(F1)
GMM&EHS:jld:jf

e P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

X

Regen

1 AN ACT *to amend* 48.981 (3) (c) 1. a. of the statutes; **relating to:** requiring an
2 agency that receives a report of child abuse or neglect to initiate a diligent
3 investigation if the agency cannot identify an individual who is suspected of
4 abuse or neglect of the child (suggested as remedial legislation by the
5 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 (DCF) in a county having a population of 500,000 or more, 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.

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.** 48.981 (3) (c) 1. a. of the statutes is amended to read:
2 48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the
3 agency shall evaluate the report to determine whether there is reason to suspect that
4 a caregiver has abused or neglected the child, has threatened the child with abuse
5 or neglect, or has facilitated or failed to take action to prevent the suspected or
6 threatened abuse or neglect of the child. Except as provided in sub. (3m), if the
7 agency determines that a caregiver is suspected of abuse or neglect or of threatened
8 abuse or neglect of the child, determines that a caregiver is suspected of facilitating
9 or failing to take action to prevent the suspected or threatened abuse or neglect of
10 the child, or cannot ~~determine who abused or neglected the child~~ identify an
11 individual who is suspected of abuse or neglect or of threatened abuse or neglect of
12 the child, within 24 hours after receiving the report the agency shall, in accordance
13 with the authority granted to the department under s. 48.48 (17) (a) 1. or the county
14 department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the
15 child is in need of protection or services. If the agency determines that a person who
16 is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in
17 accordance with that authority, initiate a diligent investigation to determine if the
18 child is in need or protection or services. Within 24 hours after receiving a report

1 under par. (a) of suspected unborn child abuse, the agency, in accordance with that
2 authority, shall initiate a diligent investigation to determine if the unborn child is
3 in need of protection or services. An investigation under this subd. 1. a. shall be
4 conducted in accordance with standards established by the department for
5 conducting child abuse and neglect investigations or unborn child abuse
6 investigations.

7 →
└─→

(END)

INSERT 3-6 ✓

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
 3 child is in need of protection or services. If the agency determines that a person who
 4 is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in
 5 accordance with that authority, initiate a diligent investigation to determine if the
 6 child is in need or protection or services. Within 24 hours after receiving a report
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 9 in need of protection or services. An investigation under this subd. 1. a. shall be
 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~~

INSERT 3-6

DO NOT
DELETE

Malaise, Gordon

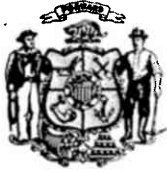
From: Sappenfield, Anne
Sent: Friday, August 09, 2013 9:00 AM
To: Malaise, Gordon
Subject: Law revision drafts

Hi Gordon,

The law revision committee is planning to meet on September 5. My recollection is that we take final drafts before the committee, so could you convert LRB—~~0487/P2~~, ~~0487/P2~~ to /1 drafts?

Thank you,
Anne

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



State of Wisconsin
2013 - 2014 LEGISLATURE

LN 819
soon
Committee



LRB-0487/E2
GMM&EHS:jld:jf

1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 BILL

X

Regen

1 AN ACT *to amend* 48.981 (3) (c) 1. a. of the statutes; **relating to:** requiring an
2 agency that receives a report of child abuse or neglect to initiate a diligent
3 investigation if the agency cannot identify an individual who is suspected of
4 abuse or neglect of the child (suggested as remedial legislation by the
5 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 (DCF) in a county having a population of 500,000 or more, 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.

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

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

2 48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the
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17 accordance with that authority, initiate a diligent investigation to determine if the
18 child is in need or protection or services. Within 24 hours after receiving a report

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2 authority, shall initiate a diligent investigation to determine if the unborn child is
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4 conducted in accordance with standards established by the department for
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7

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0487/1
GMM&EHS:jld:ph

2013 BILL

1 AN ACT *to amend* 48.981 (3) (c) 1. a. of the statutes; **relating to:** requiring an
2 agency that receives a report of child abuse or neglect to initiate a diligent
3 investigation if the agency cannot identify an individual who is suspected of
4 abuse or neglect of the child (suggested as remedial legislation by the
5 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 (DCF) in a county having a population of 500,000 or more, 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.

BILL

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

2 48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the
3 agency shall evaluate the report to determine whether there is reason to suspect that
4 a caregiver has abused or neglected the child, has threatened the child with abuse
5 or neglect, or has facilitated or failed to take action to prevent the suspected or
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9 or failing to take action to prevent the suspected or threatened abuse or neglect of
10 the child, or cannot ~~determine who abused or neglected the child~~ identify an
11 individual who is suspected of abuse or neglect or of threatened abuse or neglect of
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13 with the authority granted to the department under s. 48.48 (17) (a) 1. or the county
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15 child is in need of protection or services. If the agency determines that a person who
16 is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in
17 accordance with that authority, initiate a diligent investigation to determine if the
18 child is in need or protection or services. Within 24 hours after receiving a report

BILL

1 under par. (a) of suspected unborn child abuse, the agency, in accordance with that
2 authority, shall initiate a diligent investigation to determine if the unborn child is
3 in need of protection or services. An investigation under this subd. 1. a. shall be
4 conducted in accordance with standards established by the department for
5 conducting child abuse and neglect investigations or unborn child abuse
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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.

7

(END)