



2013 SENATE BILL 561

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, or evaluation of activities conducted under a federal
6 court improvement grant.

Analysis by the Legislative Reference Bureau

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

7 **SECTION 1.** 48.299 (1) (ag) of the statutes is amended to read:
8 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
9 a public hearing is not held, only the parties and their counsel or guardian ad litem,
10 the court-appointed special advocate for the child, the child's foster parent or other

SENATE BILL 561**SECTION 1**

1 physical custodian described in s. 48.62 (2), witnesses, and other persons requested
2 by a party and approved by the court may be present, except that the court may
3 exclude a foster parent or other physical custodian described in s. 48.62 (2) from any
4 portion of the hearing if that portion of the hearing deals with sensitive personal
5 information of the child or the child's family or if the court determines that excluding
6 the foster parent or other physical custodian would be in the best interests of the
7 child. Except in a proceeding under s. 48.375 (7), any other person the court finds
8 to have a proper interest in the case or in the work of the court, including a member
9 of the bar or a person engaged in the bona fide research, monitoring, or evaluation
10 of activities conducted under 42 USC 629h, as determined by the director of state
11 courts, may be admitted by the court.

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

14 48.396 (2) (b) 1. Upon request of the department or a federal agency to review
15 court records for the purpose of monitoring and conducting periodic evaluations of
16 activities as required by and implemented under 45 CFR 1355, 1356, and 1357, the
17 court shall open those records for inspection and copying by authorized
18 representatives of the department or federal agency. Those representatives shall
19 keep those records confidential and may use and further disclose those records only
20 for the purpose for which those records were requested.

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

22 48.396 (2) (b) 2. Upon request of an entity engaged in the bona fide research,
23 monitoring, or evaluation of activities conducted under 42 USC 629h, as determined
24 by the director of state courts, to review court records for the purpose of that research,
25 monitoring, or evaluation, the court shall open those records for inspection and

SENATE BILL 561

1 copying by authorized representatives of that entity. Those representatives shall
2 keep those records confidential and may use and further disclose those records only
3 for the purpose for which those records were requested. The director of state courts
4 may use the circuit court automated information system under s. 758.19 (4) to
5 facilitate the transfer of electronic records between the court and that entity.

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

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

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

22 938.396 (2g) (b) 1. Upon request of the department, the department of children
23 and families, or a federal agency to review court records for the purpose of monitoring
24 and conducting periodic evaluations of activities as required by and implemented
25 under 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection

SENATE BILL 561**SECTION 5**

1 and copying by authorized representatives of that department or federal agency.
2 Those representatives shall keep those records confidential and may use and further
3 disclose those records only for the purpose for which those records were requested.

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

5 938.396 (2g) (b) 2. Upon request of an entity engaged in the bona fide research,
6 monitoring, or evaluation of activities conducted under 42 USC 629h, as determined
7 by the director of state courts, to review court records for the purpose of that research,
8 monitoring, or evaluation, the court shall open those records for inspection and
9 copying by authorized representatives of that entity. Those representatives shall
10 keep those records confidential and may use and further disclose those records only
11 for the purpose for which those records were requested. The director of state courts
12 may use the circuit court automated information system under s. 758.19 (4) to
13 facilitate the transfer of electronic records between the court and that entity.

14 (END)