



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3581/1
GMM:amn

2015 SENATE BILL 426

December 3, 2015 – Introduced by Senators DARLING and BEWLEY, cosponsored by Representatives HUTTON, JARCHOW, BALLWEG, BRANDTJEN, E. BROOKS, HORLACHER, JACQUE, KREMER, MURPHY, QUINN, ROHRKASTE, SUBECK and TITTL. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 48.396 (3) (b) 1., 48.396 (3) (c) 1r., 938.396 (2m) (b) 1. and
2 938.396 (2m) (c) 1r. of the statutes; **relating to:** the disclosure of electronic
3 juvenile court records to a county department of human services or social
4 services for purposes of providing intake and dispositional services.

Analysis by the Legislative Reference Bureau

This bill permits disclosure of the electronic records of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) to a county department of human services or social services (county department) for purposes of providing child welfare or juvenile justice intake or dispositional services.

Under current law, the director of state courts has established an automated information system, known as the Consolidated Court Automation Programs (CCAP), that contains information about cases filed in the circuit courts in this state, including cases filed in the juvenile courts. Records of the juvenile court, however, are confidential and may not be opened to inspection, nor may their contents be disclosed, except by an order of the juvenile court or under certain statutory exceptions, including an exception that requires a juvenile court to make information relating to a proceeding under the Children's Code or the Juvenile Justice Code that is contained in the electronic records of the juvenile court available to the Department of Children and Families, which may use or allow access to that information only for the purposes of providing child welfare or juvenile justice intake

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or dispositional services. Current law permits the director of state courts to use CCAP to make that information available.

This bill requires the juvenile court to make information relating to a proceeding under the Children’s Code or the Juvenile Justice Code that is contained in the electronic records of the juvenile court available to a county department, which may use or allow access to that information only for the purposes of providing child welfare or juvenile justice intake or dispositional services. The bill permits the director of state courts to use CCAP to make that information available.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.396 (3) (b) 1. of the statutes is amended to read:

2 48.396 (3) (b) 1. The court shall make information relating to proceedings
3 under this chapter that is contained in the electronic records of the court available
4 to any other court assigned to exercise jurisdiction under this chapter and ch. 938,
5 a municipal court exercising jurisdiction under s. 938.17 (2), a court of criminal
6 jurisdiction, a person representing the interests of the public under s. 48.09 or
7 938.09, an attorney or guardian ad litem for a parent or child who is a party to a
8 proceeding in a court assigned to exercise jurisdiction under this chapter or ch. 938
9 or a municipal court, a district attorney prosecuting a criminal case, ~~or~~ the
10 department, or a county department under s. 46.215, 46.22, or 46.23, regardless of
11 whether the person to whom the information is transferred is a party to or is
12 otherwise involved in the proceedings in which the electronic records containing that
13 information were created. The director of state courts may use the circuit court
14 automated information systems established under s. 758.19 (4) to make information
15 contained in the electronic records of the court available as provided in this
16 subdivision.

17 **SECTION 2.** 48.396 (3) (c) 1r. of the statutes is amended to read:

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1 48.396 (3) (c) 1r. The department or a county department under s. 46.215,
2 46.22, or 46.23 shall keep any information made available to the department or that
3 county department under par. (b) 1. confidential and may use or allow access to that
4 information only for the purpose of providing services under s. 48.06, 48.067, 48.069,
5 938.06, 938.067, or 938.069. The department or that county department may allow
6 that access regardless of whether the person who is allowed that access is a party to
7 or is otherwise involved in the proceedings in which the electronic records containing
8 that information were created.

9 **SECTION 3.** 938.396 (2m) (b) 1. of the statutes, as affected by 2015 Wisconsin
10 Act 55, is amended to read:

11 938.396 (2m) (b) 1. The court shall make information relating to a proceeding
12 under this chapter that is contained in the electronic records of the court available
13 to any other court assigned to exercise jurisdiction under this chapter and ch. 48, a
14 municipal court exercising jurisdiction under s. 938.17 (2), a court of criminal
15 jurisdiction, a person representing the interests of the public under s. 48.09 or
16 938.09, an attorney or guardian ad litem for a parent or child who is a party to a
17 proceeding in a court assigned to exercise jurisdiction under this chapter or ch. 48
18 or a municipal court, a district attorney prosecuting a criminal case, a law
19 enforcement agency, the department of children and families, ~~or~~ the department of
20 corrections, or a county department, regardless of whether the person to whom the
21 information is disclosed is a party to or is otherwise involved in the proceedings in
22 which the electronic records containing that information were created. The director
23 of state courts may use the circuit court automated information systems established
24 under s. 758.19 (4) to make information contained in the electronic records of the
25 court available as provided in this subdivision.

