



Rep. Steve Doyle Testimony on AB 626

I want to thank you Chairman Kleefisch for holding a very prompt hearing on AB 626, the Drug Endangered Children Bill. This is an extremely busy time in the Assembly, so I appreciate you putting this bill on the Committee Schedule.

This bill was introduced by Senator Shilling and Representative Billings and me as a result of a discussion with the La Crosse Drug Endangered Children Coalition and their concerns about protecting children whose parents are using or dealing drugs -- sometimes in the presence of their own children. This Coalition is now active statewide and is committed to support, rescue, shelter, and defend children who are being harmed by drugs.

The steering committee of the statewide Drug Endangered Children Coalition includes members of the Department of Justice, County Human Services Departments, County Sheriff's Departments, Department of Corrections, Social Workers, District Attorney's, Victim Witness Specialists, and others interested in the welfare of our children in Wisconsin.

In our recent meeting with the group, they told us about a mother being caught on camera shooting heroin while her children were present. While the District Attorney's office was able to arrest the woman and charge her with drug possession, child neglect charges were dropped because the state statutes are unclear in this area.

This bill was drafted to address this issue and make sure that law enforcement has all the tools necessary to protect children in our state from neglect. Parents or caregivers who are involved with drugs endanger the children in their household in numerous ways. The children are at risk of emotional, sexual, and physical abuse in these situations and are clearly neglected as a result of this drug use or sales. AB 626 adds "**exposure to the distribution, manufacture, or use of controlled substances**" to the state definition of neglect. Thirty-three states including our

neighboring states of Illinois, Iowa and Minnesota have addressed the issue of exposing children to illegal drug activity in their criminal statutes and we believe Wisconsin should follow suit to protect our children.

Thank you again for holding a quick hearing on this bill Mr. Chair, and I would be happy to answer any questions that the committee has on this bill.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: February 20, 2014

To: Members of the Senate Health and Human Services Committee

From: Fredi-Ellen Bove, Division of Safety and Permanence Administrator
Randy Keys, Chief Legal Counsel

Re: Department Position on AB 626 – For Information Only

Representative Kleefisch and Assembly Criminal Justice Committee members,

Thank you for the opportunity to testify on AB 626. My name is Fredi-Ellen Bove and I am the Administrator for the Division of Safety and Permanence at the Department of Children and Families (DCF). With me is Randy Keys, the Chief Legal Counsel at DCF.

The Department of Children and Families takes all matters related to the safety of children very seriously.

AB 626 makes changes to a stand-alone criminal provision and does not affect statewide child welfare policies or practices. The bill strengthens the criminal code related to child neglect, enabling local district attorneys to prosecute cases where criminal sanctions are warranted. The department supports this effort.

However, DCF is concerned about AB 626's substitute amendment, which includes changes to provisions in Chapter 48 that will impact every county child welfare agency in the state. It expands the definition of neglect to include conduct that endangers the emotional health of a child and provides no definition of emotional health. AB 626 also includes specific types of neglect not previously identified in statute, including failing to provide an "opportunity for education" and "protection from exposure to the distribution, manufacture, or use of controlled substances". These new neglect types are not defined and have potentially far-reaching ramifications. In addition, these new types of neglect do not endanger a child's safety in all circumstances.

The definition of child neglect is currently focused on the failure to provide basic necessities related to the physical health of the child. Child welfare workers evaluate whether a child may remain in the home based on the child's physical safety. Adding emotional health as a criterion for neglect will increase the number of children removed from their homes and placed in out-of-home care.

Normally changes of this magnitude to Chapter 48 are developed in collaboration with the full range of stakeholders involved in the child welfare system, including counties, the children's court system, and service providers, before the Department proposes to move forward with legislation. Changes to Chapter 48, especially those that change the definition of key terms, affect every facet of the child welfare system: the child welfare workers who undertake the initial assessment of a complaint; the courts that review and make placement and other decisions for each case; and the agencies that provide services.

There is no fiscal estimate on the costs associated with AB 626 as amended. The fiscal impacts of the proposed changes are hard to estimate. The most recent report of statewide referrals to child welfare agencies show that there were 70,266 referrals and 26,309 were accepted for investigation by the agencies. For example, if the bill increases the number of screened-in reports by 10%, the child welfare system would need to investigate over 2,600 additional cases each year.

For example, parents in a custody dispute may call in referrals about the emotional health of their child in order to gain an advantage in a custody dispute. Such calls happen now, but the current standards used to evaluate these cases focus on more easily measurable items such as food, shelter, medical care, and appropriate supervision. Expecting a social worker to come into the home and quickly evaluate the state of the child's emotional health is unreasonable.

The department supports the original bill, which enhances the ability of district attorneys to address crimes against children. The department does not support amending the bill to make substantive changes to Chapter 48.

Thank you for the opportunity to testify on this legislation. We are happy to answer any of your questions.

Emerson Elementary School
"Where Children Soar Like Eagles"

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SCHOOL DISTRICT OF
LA CROSSE



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Lynda Gruber-Suskey, Principal
lgrubers@lacrosseschools.org

Assembly Committee on Criminal Justice
C/O Representative Steve Doyle
State Capitol
Room 124 North
Madison, WI 53708

February 18, 2014

Dear Assembly Committee on Criminal Justice,

I am writing to you today to express my support for Assembly Bill 626, the redefining of our current child neglect statute. I have been a school social worker with the School District of La Crosse for nine years. For the past two years I have represented our district on La Crosse County's Drug Endangered Children Coalition. As a part of this coalition, I have been honored to be a part of the discussions about how we can work as a multi-disciplinary team across professions to best meet the needs of our most vulnerable citizens, our children.

The charge to change our child neglect definition started with our group about a year ago as we met to discuss some recent cases that our local law enforcement and child protection services had been working on. What we found in our discussion with our local district attorney, is that there were loopholes, or barriers, to charging and holding parents accountable for their actions with our current neglect statute. We are grateful that Senator Shilling and Representatives Doyle, Billings and Danou all agreed that there should be some changes made, and that this bill proposal now sits before the Committee.

As a school social worker I see daily the effects of what parental neglect can do to a child. One of the ways that I see this in my school is with the truancy of the elementary students I work with. In the nine years that I have worked in the District I have been adamant that elementary truancy issues are most often related to a deeper issue at home. I have had elementary school students miss all or part of 30, 50, even 80 plus days of school. Currently, our neglect law and Children's Code (Chapter 48) does not recognize educational neglect and so as a school we sometimes feel limited in what we can do to help these students and their families.

The proposed Assembly Bill 626 includes in the definition of neglect "the opportunity for education". Adding this in Wisconsin's Child Neglect statute and Children's Code would put Wisconsin more in line with the 24 other states that include failure to educate in their definitions of neglect. We know that school attendance (regular education) is an

important key factor in so many areas of a child's growth and well being, and is a critical element in helping children grow up to be successful and productive members of society.

Assembly Bill 626 also addresses the issue of substance use by parents and the exposure of this to their children. The side effects of drug use make parenting difficult and dangerous to children. Manufacturing and dealing of drugs add another element of risk because of the people that children are exposed to. As a school social worker I see attendance as a side effect of parental substance use, but I also see students who are subjected to inadequate and inappropriate supervision due to their caregivers use and/or dealing of drugs. This can result in inappropriate clothing, sleep, food, and emotional, physical and sexual abuse. I know teachers would testify that they can see these effects clearly in their classrooms on a daily basis.

I feel that Assembly Bill 626 is essential for the safety of all of our children. Updating Wisconsin's child neglect statute will help law enforcement and our local human services better serve all of our citizens, but most importantly, our children. These changes would allow more flexibility in intervening with families, and will help children who are in dangerous and neglectful living situations. It will also assist schools in working more closely with law enforcement and human services to make an impact on a child's life sooner.

I want to thank the Committee for considering the proposed changes to our current neglect law. I truly believe that these changes will make a difference for so many children that I work with on a daily basis. I encourage you to also be advocates for Wisconsin's children.

Thank you,



Alicia Place
School Social Worker
Emerson Elementary
School District of La Crosse

Children's Trust Fund

Wisconsin's Resource for Preventing Child Abuse

Child Abuse and Neglect Prevention Board
110 E. Main Street, Suite 810, Madison WI 53703
Phone: 608/266-6871 Fax: 608/266-3792

February 20, 2014

Representative Joel Kleefisch, Chair
Assembly Committee on Criminal Justice
State Capitol, Room 307 North
Madison, WI 53708

Dear Representative Kleefisch,

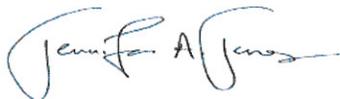
I am writing on behalf of the Child Abuse and Neglect Prevention Board regarding Assembly Bill 626 concerning neglect of a child and providing penalties. The Board supports the bill in its original draft, but has concerns regarding the substitute amendment.

The Child Abuse and Neglect Prevention Board supports the intent of AB626, which creates penalties for the crime of neglect, and in particular repeated acts of neglect of the same child. It's essential that we continue to provide county child welfare agencies and district attorneys with the tools necessary to address the issue of child neglect, including prosecuting individuals who contribute to the neglect of a child. However, the substitute amendment makes substantial changes to Chapter 48, including changing the definition of child neglect. The Board feels it's critical for a deeper review and analysis among all the impacted stakeholders of the potential ramifications these changes may have to Wisconsin's child protective services system.

Child neglect is the most pervasive form of child maltreatment in our state and country. It's essential that we address the crime of neglect and provide support to children who are growing up in neglectful environments. At the same time, the Child Abuse and Neglect Prevention Board advocates for and invests significantly in programs and services aimed at enhancing safe, stable, nurturing relationships and environments for Wisconsin's children.

The Board's Legislative Committee would be interested in further conversations regarding child neglect with the bill's author and other members of the Legislature. If you have any questions, please feel free to contact me at 608-266-1281 or Melissa Roberts, Chair of the Board's Legislative Committee at 608-240-5056.

Sincerely,



Jennifer A. Jones
Interim Executive Director

CC: Assembly Committee on Criminal Justice

February 19, 2014

Assembly Committee on Criminal Justice

c/o; Representative Steve Doyle

Room 124 North

State Capitol

Madison, WI 53708

Re; Assembly Bill 626

Representative Doyle and the Assembly Committee on Criminal Justice,

Thank you for taking the time to consider and review written support for Assembly Bill 626. My name is Erin Malak and I worked with the La Crosse County Drug Endangered Children's Coalition from its beginning in 2006 through 2013. During that time I worked with various professionals through a multi-disciplinary team approach. The goal of the La Crosse County Drug Endangered Children's Coalition is to keep children in the community safe from drug exposure. Our task was to ensure child safety whether the risk factors involved caregiver drug use, sales, or manufacturing. Unfortunately, cases most often include more than one of these risk factors. What we know is that children living in drug endangered environments are not only neglected, but are more often physically and sexually abused because their caregivers are not focused on their children or their children's needs. As a Child Protective Services social worker for more than ten years, I assessed over 700 families. I can provide information as to the barriers social workers, law enforcement, and other professionals face when trying to intervene in drug endangered families. Social workers often make countless attempts to support and strengthen families before the situation becomes desperate and high risk. Unfortunately, statutory limitations make it difficult to intervene and provide child safety until things have reached a critical level. Despite this, our group focused on intervening and accessing children whenever possible.

There are children in La Crosse County who do not get their needs met because of parental drug use, sales, or manufacturing. This might be seen by school professionals in children coming to school hungry, underdressed, or frequently tardy. Medical professionals might experience children in drug endangered environments by noticing unaddressed and chronic medical issues. Child Protective Services professionals experience drug endangered children by noting frequent referrals to CPS, the inability to connect with families due to a lack of willingness to meet or allow social workers access to their homes, or the documented history of the caregiver's refusal to seek treatment or support. During my time with CPS, I worked with a family who's young and vulnerable children were exposed to weapons,

methamphetamine use, sales, and paraphernalia, violent drug dealers, and were often not sent to school where the children had come to rely on a hot meal. Despite repeated investigations into this family's home environment, no criminal charges came to the caregivers as the statutory definitions did not qualify said behavior as neglect. These cases are all too common and plague Drug Endangered Children's Teams throughout the state of Wisconsin. During the time our group initially met with Senator Shilling and Representatives, Doyle, Billings, and Danou, we received support and encouragement from other Drug Endangered Children's Teams across the state. Other teams were thankful that this issue might be addressed and that children in their communities might be kept safe sooner than current statutes allow.

I ask that you support Assembly Bill 626 and show the children of Wisconsin that their safety is important and is worth addressing at a state level. Thank you again for your time and consideration into this matter.

Sincerely,

Erin Malak, Social Worker

602 Russell Drive North

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February 18, 2014

Representative Steve Doyle
Room 124 North
State Capitol
PO BOX 8952
Madison, WI 53708

RE: Assembly Bill 626

To Representative Steve Doyle:

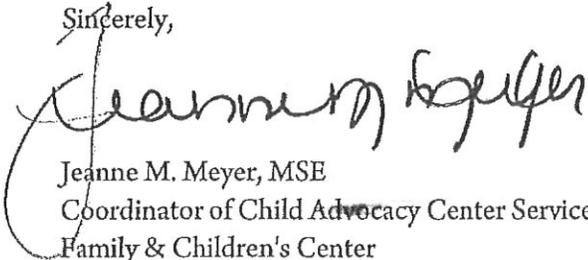
On behalf of the thousands of victims, families, and professionals that our organization represents, thank you for your extraordinary work on Assembly Bill 626, a bill that seeks to protect children from exposure to illicit drugs and dangerous environments.

I have appreciated throughout the years your compassionate understanding and unwavering support of one of our most vulnerable populations, children. Without healthy, happy, well-adjusted children we do not have a bright future. Thank you for recognizing the need to make the necessary changes to our legislation to ensure that we intervene where children are exposed to illegal drug activity. By intervening early, we can mitigate the long-term consequences that are so devastating for our children and see the positive impact we can have on our communities: lesser cost to our society as a result of fewer dollars spent in treatment and recovery, juvenile and adult criminal justice systems, AODA, and child welfare system.

As a member of the La Crosse Drug Endangered Children Group I commend you for your work and applaud you for your efforts in improving the lives of Wisconsin children. I fully endorse Assembly Bill 626 that provides clarity to law enforcement officials and allows for greater intervention within our system for children at-risk.

Thank you again for your leadership and for advancing our work on behalf of children!

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne M. Meyer".

Jeanne M. Meyer, MSE
Coordinator of Child Advocacy Center Services
Family & Children's Center



Family & Children's Center
A partner agency of Great Rivers United Way