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41ST ASSEMBLY DISTRICT

AB 708: disclosure of juvenile court records
Testimony on behalf of Representative Joan Ballweg
Assembly Committee on Judiciary
February 6, 2014

Thank you, Chair Ott and members of the Committee on Judiciary for hearing Assembly Bill 708. Representative Ballweg and Senator Olsen have introduced this legislation on behalf of the Director of State Courts. This bill will create a new subsection of statute to clearly allow for the collection of data for the use of research, evaluation, and monitoring purposes related to the Court Improvement Program with the approval of the Director of State Courts.

The Director of State Courts Office has received federal funding under the Court Improvement Program to improve the processing of child abuse and neglect, termination of parental rights, and adoption cases in the court system since 1995. Federal grant requirements recently expanded to require that participating states collect data on specific timeliness measures and quality indicators related to court hearings and legal representation.

In order to assess court performance, the Director of State Courts Office will require access to confidential juvenile court records and hearings by court system staff and third party evaluators. Juvenile records are closed and may only be opened by court order or under specific circumstances listed in statute.

AB 708 will create such a statute to allow the Director of State Courts Office to continue in their partnership with the Department of Children and Families to look at child welfare agency practice as well as court case processes. In addition, they can continue to develop a continuous quality improvement processes to monitor and evaluate implementation of statutory requirements and best practices related to safety, permanency, timeliness, and due process.

The ultimate goal is to better understand court functioning and improve outcomes for children and families in the child welfare system. It is important to note that any entity conducting research will be under a services contract with the Director of State Courts Office and any person viewing the information will be prohibited from disclosing the information.

Thank you again for hearing Assembly Bill 708.



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Testimony
Of
Michelle Jensen Goodwin
Director, Children's Court Improvement Program, Director of State Courts

In Support of

2013 Assembly Bill 708

Assembly Committee on Judiciary

Rep. Jim Ott, Chair

February 6, 2014

Thank you, Chairperson Ott and members of the Committee. I am Michelle Jensen Goodwin, the Director of the Children's Court Improvement Program, which is a program administered by the Director of State Courts. I am appearing on behalf of the Legislative Committee of the Wisconsin Judicial Conference and the Wisconsin Judicial Committee on Child Welfare in support of 2013 Assembly Bill 708 regarding disclosure of juvenile court records and access to hearings for evaluation purposes.

The Wisconsin Judicial Conference is composed of all appellate and circuit court judges in Wisconsin, with the Legislative Committee serving as the Judicial Conference's elected committee of judges who examine legislation to determine its impact on the court system. The Wisconsin Judicial Committee on Child Welfare is a group of judges and court staff from around the state dedicated to improving outcomes for children and families in the court system.

Background

Since 1995, the Wisconsin Supreme Court, Director of State Courts Office has received the federal Court Improvement Program grant to improve the processing of child in need of protection or services (CHIPS) and termination of parental rights (TPR) cases in the court system.

As outlined in Program Instruction ACYF-CB-PI-12-02 issued on January 11, 2012, by the U.S. Department of Health and Human Services, Children's Bureau, states applying for future grants are required to collect data and report on specified timeliness measures and quality indicators. The emphasis is on applying continuous quality improvement principles to grant-funded activities to systematically monitor court performance, promote evidenced-informed practices and improve outcomes for children and families in the child welfare system.

Issue

Assessing court performance will require review of confidential juvenile court records, both paper and electronic files, and admittance to hearings by court system staff and third-party evaluators.

As stated in ss. 48.396(2)(a) and 938.396(2g)(a), juvenile court records shall not be open to inspection or disclosed except by court order or under narrow circumstances specified in statute. There is no language in state statute to address the sharing of confidential juvenile records by the Director of State Courts Office to a third party for research, monitoring and evaluation purposes.

Under ss. 48.396(2)(b) and 938.396(2g)(b), the court is permitted to open records for inspection to monitor and conduct periodic evaluations of activities implemented under 45 CFR 1355, 1356, and 1357. However, this section only authorizes a federal agency or the Department of Children and Families to review court records for the purpose of assessing activities covered in the cited regulations, and the authorizing citation for the Court Improvement Program, 42 U.S.C. 629h, is not referenced.

Bill Provisions

This bill, 2013 AB 708, accomplishes three things. First, it clearly permits disclosure of juvenile court records to an entity engaged in bona fide research, monitoring or evaluation related to the Court Improvement Program grant as approved by Director of State Courts. This is similar to a provision in s. 48.981 which allows for the disclosure of child welfare reports and records by the Department of Children and Families to “a person engaged in bona fide research, with the permission of the department.”

Second, 2013 AB 708 makes clear that persons engaged in bona fide research, monitoring, or evaluation are deemed to have a “proper interest in the work of the court” and may be admitted to confidential juvenile hearings under the Children’s Code and Juvenile Justice Code.

Third, the bill allows the Department of Children and Families or federal agency to copy court records for the purpose of monitoring and conducting periodic evaluation of activities. These entities already had the authority to inspect these records. Some federal and state program reviews occur in a single location, making it necessary for copies to be made and securely transported to the review site.

Thank you for your consideration. I would be happy to answer any questions you may have.