

Dear Senator Taylor, Co-Chair Strengthening Wisconsin Families:
CC: Representative Kestell, Co-Chair & Members of the Committee

RE: Recommended Amendment to SFAM08 Notification of Relatives (WLC 0383/1)

Thank you for inviting me to present Family Finding to your Committee on December 4, 2008. As you will recall Family Finding presents unique and exciting opportunities to youth in the child welfare system by using internet search technology to locate family members in even the most disconnected families. Family Finding/Family Search and Engagement programs are occurring in all 50 states, have been featured in the Wall Street Journal, 60 Minutes, numerous media outlets, and in testimony to Congress. After locating relatives social work staff engage the family members to become involved with the lonely child languishing in the overburdened child welfare system. Connections and relationships to others are critical to the healthy development of children.

During my testimony we discussed that one complicating factor in doing Family Finding work is the existing confidentiality laws (Chapter 48.78). This law prevents me from discussing a child's condition, needs, or successes with anyone including their relatives without the consent of a parent, guardian, or child age 14 or older. We also discussed a great benefit that exists in current statute, given that Chapter 48.02 (15) has a very broad definition of relative which would give a Family Finding social worker many, many people to engage in helping the child and allowing the full strengths of the family to be drawn upon.

The final item we discussed on December 4, 2008 is that the federal government passed a law PL 110-351 (also known as HR6893 - Fostering Connections to Success and Increasing Adoptions Act). I believe this law moved you to craft the draft bill SFAM08 Notification of Relatives (WLC 0383). I applaud your swift action to draft WLC 0383/1 addressing the federal issues. I am, however, concerned about the implications that this bill in its current form would have on Family Finding efforts. The draft redefines, specifically for the purposes of notification, relatives in a narrow fashion. I am concerned that this will be confusing to the public, courts, and child welfare workers used to the broader definition. The draft then envisions changes to Chapter 48.981 (7) confidentiality laws which would allow records to be disclosed "only to the extent necessary to facilitate placement with the relative." The draft did not note changes to the main confidentiality section Chapter 48.78.

I would ask that consideration be made to Family Finding efforts in Wisconsin. Imagine a child separated from their family, maybe 15 years old, and living in a group home. No one visits, no one calls, no one that the child can count on, or dream of being a forever supportive person. That child desperately needs healthy, safe relatives in their life. A Family Finding social worker needs to be able to have a broad definition of relative and the ability to be able to discuss the child's needs with relatives. The relative may not ever be considered for placement but can still be a valuable resource for the child for holiday visits, care packages, mentoring, transportation, motivation, emotional support, and connection to all the other family members that this child will always belong to long after they are no longer a part of the child welfare system. As Family Finding was specifically named in the federal legislation it's implementation across the country was contemplated by the legislators and the spirit and intent should be furthered by Wisconsin legislation.

The needs that the State has around notification of relatives should not run counter to the promise and possibilities of Family Finding/Family Search and Engagement efforts. The Children's Code begins with a recognition that "the paramount goal of the chapter is to protect children and unborn children, to preserve the unity of the family, whenever appropriate...." [48.01 (1) (a)].

To this end, I specifically request you introduce and support an amendment to WLC 0383/1 to clarify that a state licensed child placing agency may disclose confidential records to relatives [as defined by 48.02 (15)] under 48.78 for the purpose of Family Finding. I also request that the amendment clarify that the definition of relative for purposes of Family Finding is that which exists in 48.02 (15).

I look forward to working with you if given the opportunity. Thank you for your time.

Sincerely,

Rick Lockwood
Family Finding Program Coordinator