



201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972

Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

TO: Legislative Council Special Committee on State and Tribal Relations
FROM: Sara Buschman, Assistant Deputy Secretary
DATE: March 23, 2015
RE: Proposed Safe Haven legislation - WLC 0051/1

As the Committee debates WLC 0051/1 regarding changes to the Safe Haven law, the Department would like to suggest the following technical modifications for clarity purposes:

- In section 8 where the bill says a child must be returned if the agency knows the child is an Indian child and the child is less than 11 days old, the Department recommends adding language that says the child can be taken into custody if there is reason to suspect child abuse or neglect as provided under the ch. 48 provisions for taking a child into custody, section 48.08(2) or 48.19. The Indian Child Welfare Act (ICWA) and the Wisconsin Indian Child Welfare Act (WICWA) both allow a child to be taken into custody to prevent imminent danger the child.
- The bill's provisions for returning an Indian child who is less than 11 days old may need further clarification. The bill says the child will be returned if it is known the child is an Indian child and the child is less than 11 days old. Clarification is needed as to whether the return is required only when the parent requests the return or at any time the agency knows the child is an Indian child who is less than 11 days old.
- The bill should reference the Bureau of Milwaukee Child Welfare (BMCW) when it references a county. Unlike in the other 71 counties, the State operates the child welfare system in Milwaukee County.
- Clarification is needed as to whether known identifying information can be given confidentially to a county department or BMCW.

The Department has no other technical concerns with the bill and has no issues with the provision that directs DCF to prepare written materials. We have not had the opportunity to review the additional drafts (WLC 0054, 55, 56, 57, 58) that were released shortly before the hearing.

We will continue to monitor the Committee's discussions with the Tribes and stakeholders as you look to provide guidance and clarification to county agencies on how to respond to relinquishment of an Indian child when the mother's identity and tribal affiliations are known.