

Wisconsin Legislative Council

Anne Sappenfield
Director



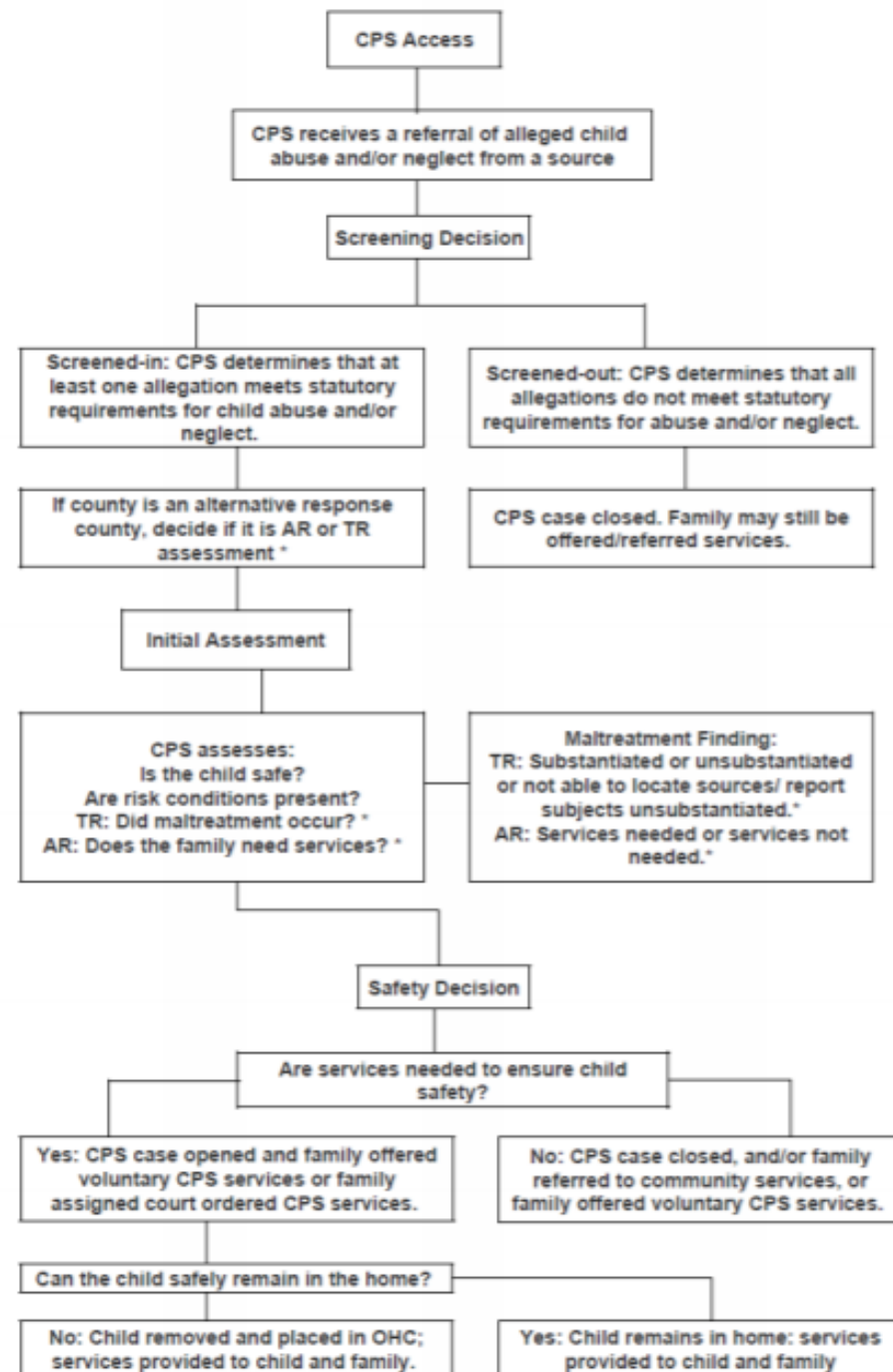
Study Committee on Public Disclosure and Oversight of Child Abuse and Neglect Incidents

Melissa Schmidt, Senior Staff Attorney, and Amber Otis, Staff Attorney
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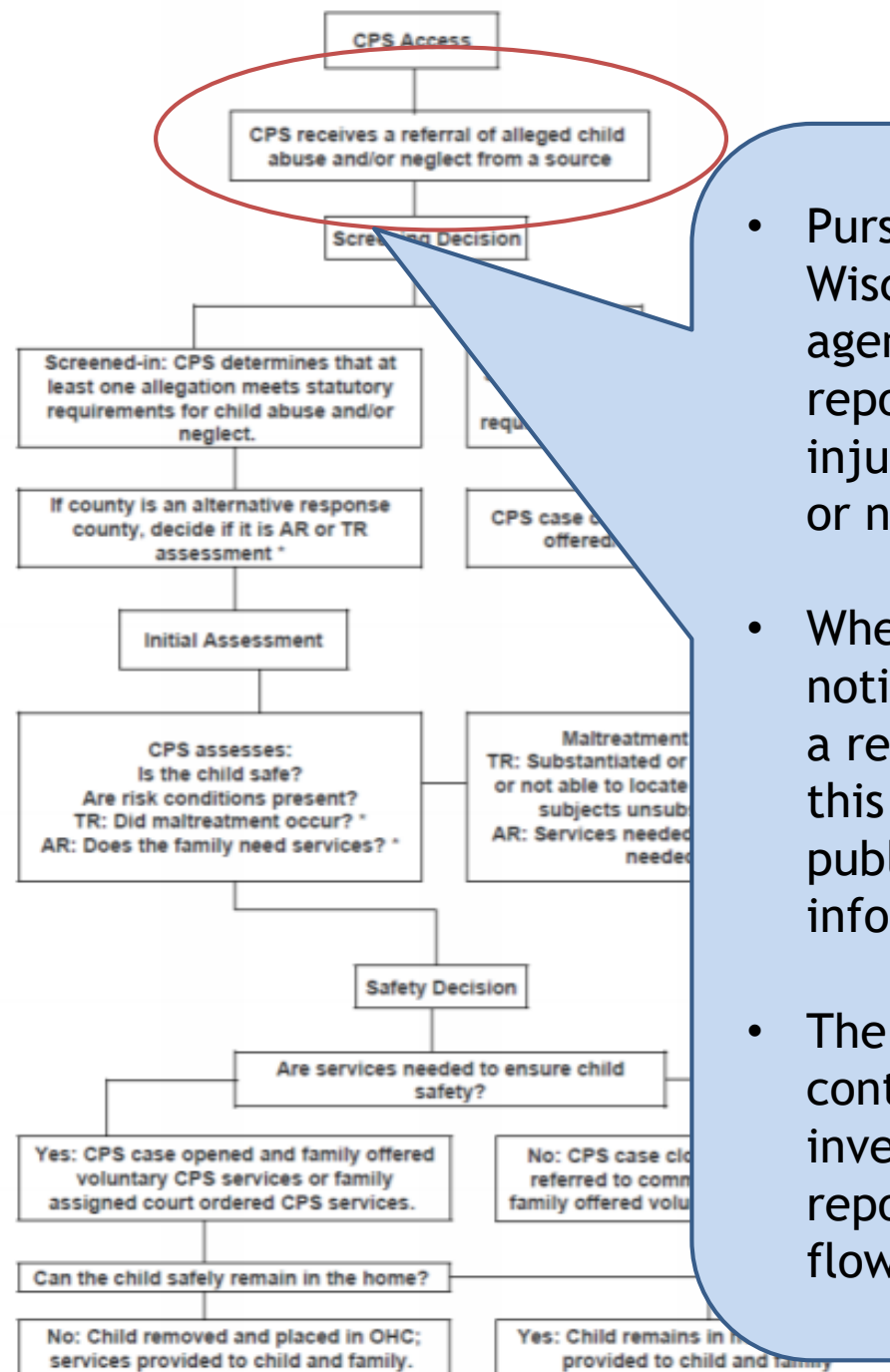
Scope of the Study Committee

- ▶ Examine the requirements created by 2009 Wisconsin Act 78.
- ▶ Analyze whether those requirements provide an effective mechanism for public disclosure and legislative oversight of certain egregious incidents of child abuse or neglect and certain reports of abuse of children placed in out-of-home care.
- ▶ Consider whether to:
 - Modify the types of incidents prompting disclosure and reports, as well as the nature and timing of any required disclosures or reports.
 - Modify the manner in which the Legislature reviews the required disclosures and reports.
 - Subject alternative or additional information to regular review by the Legislature.

Child Protective Services (CPS) Process Overview



Child Protective Services (CPS) Process Overview



- Pursuant to 2009 Wisconsin Act 78, CPS agencies notify DCF when reports of death, serious injury, or egregious abuse or neglect are received.
- When DCF receives the notification, it conducts a review **separate** from this CPS process and publicly discloses certain information.
- The CPS agency continues its review and investigation of the report outlined in this flowchart.

Public Disclosure of Child Abuse and Neglect Information

- ▶ **Federal Law:** the Child Abuse Protection and Treatment Act (CAPTA).
 - Conditions grant funds on states meeting certain requirements, including requiring public disclosure of the “findings or information” about a case of child abuse or neglect which has resulted in a child fatality or near fatality.
- ▶ **State Law:** 2009 Wisconsin Act 78 (Act 78).
 - Enacted, in part, due to CAPTA’s requirements.
 - Requires reporting and oversight beyond CAPTA’s minimum requirements.

2009 Wisconsin Act 78

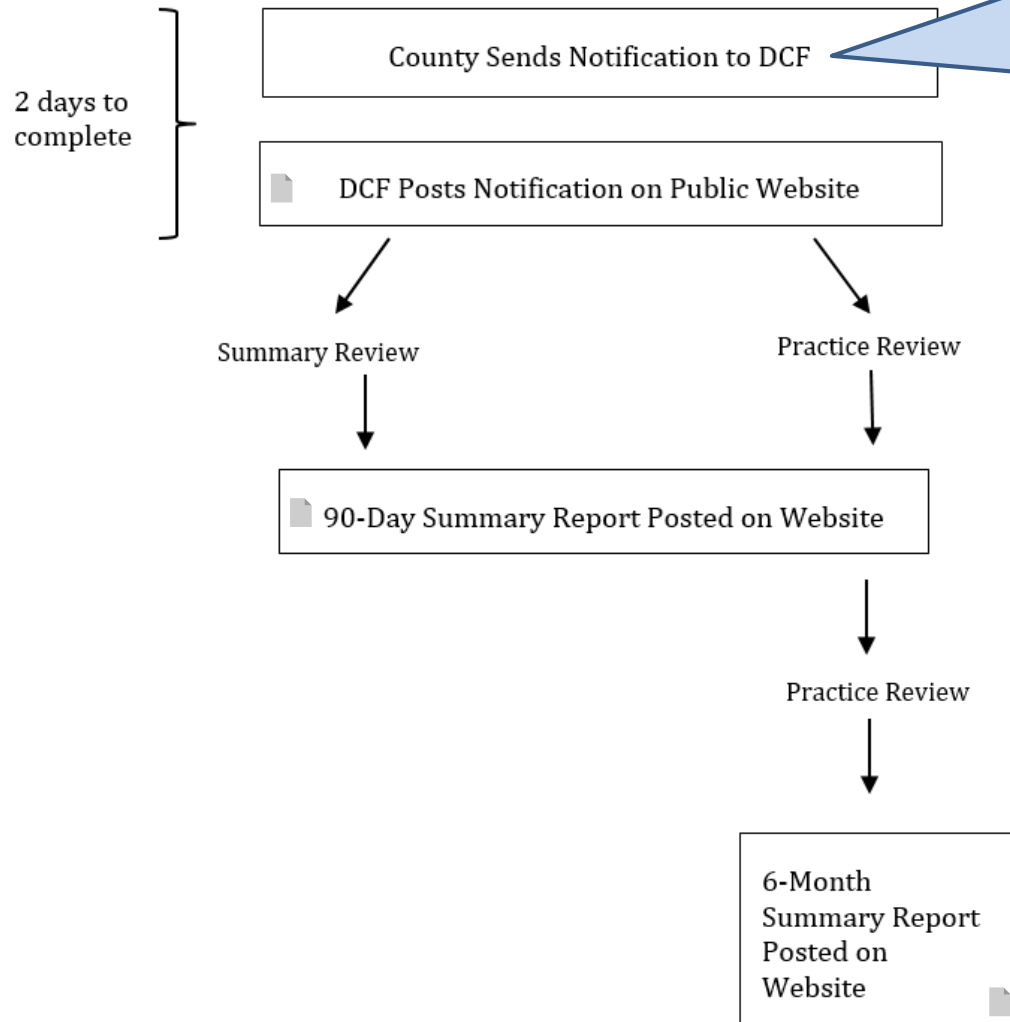
- ▶ Act 78 requires two types of public disclosures and reports.
 - Public notification and summary reports on incidents of **death, serious injury, or egregious abuse or neglect** of a child.
 - Quarterly and annual reports on **sexual abuse** of a child who is placed in out-of-home care.
- ▶ Both types of reports are referred to as “Act 78 Reports” but different procedures apply among the two types.

Act 78 Reports on Critical Incidents

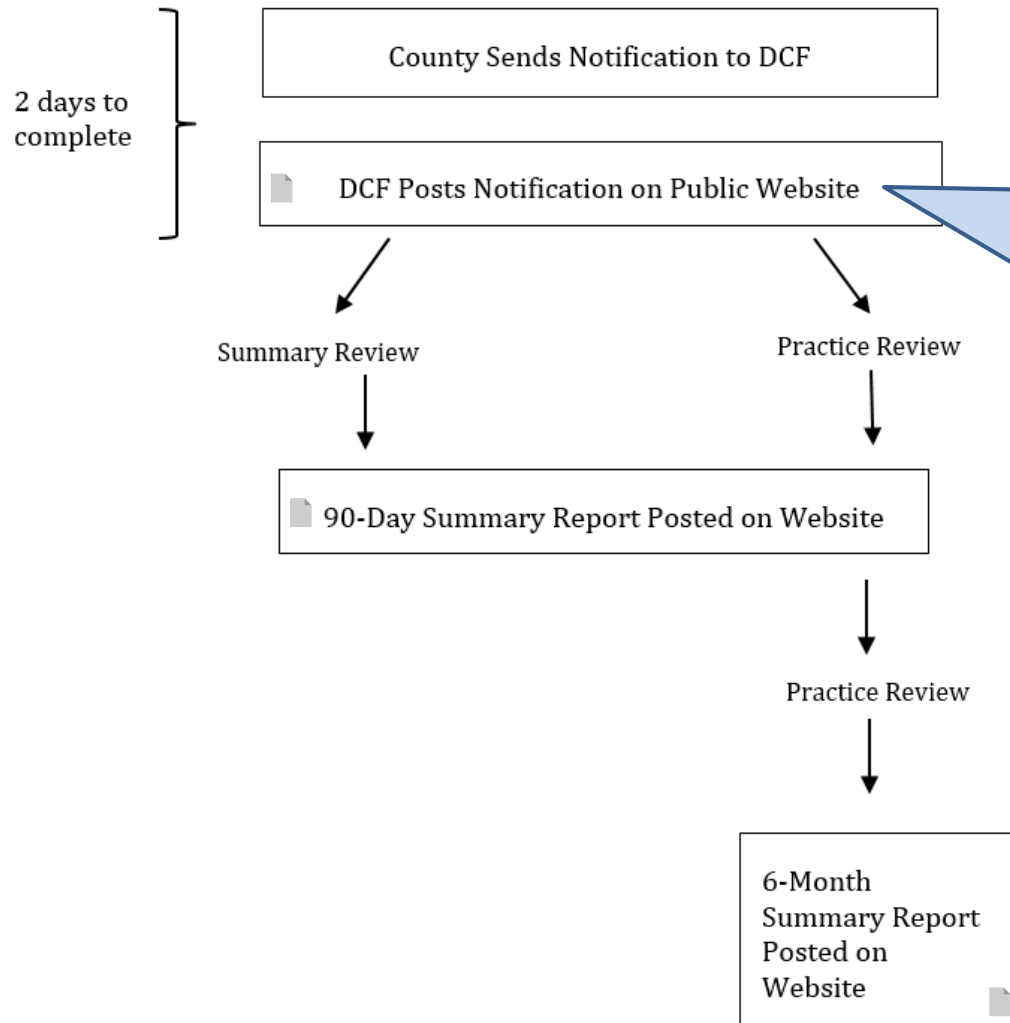
- ▶ When a report made to CPS meets the definition of an incident involving death, serious injury, or egregious child abuse and neglect, then Act 78 applies.
- ▶ Act 78 requires 3 basic steps:
 - CPS agency reports to DCF.
 - DCF notifies the public within 2 days of receiving the CPS agency's report.
 - DCF publishes a summary report after 90 days, or in some cases, in 6 months.

Act 78 Critical Incidents

- CPS agency has reason to suspect that an incident of **death, serious injury, or egregious abuse or neglect** has occurred.
- CPS agency **notifies** DCF within 2 working days and provides specific information.

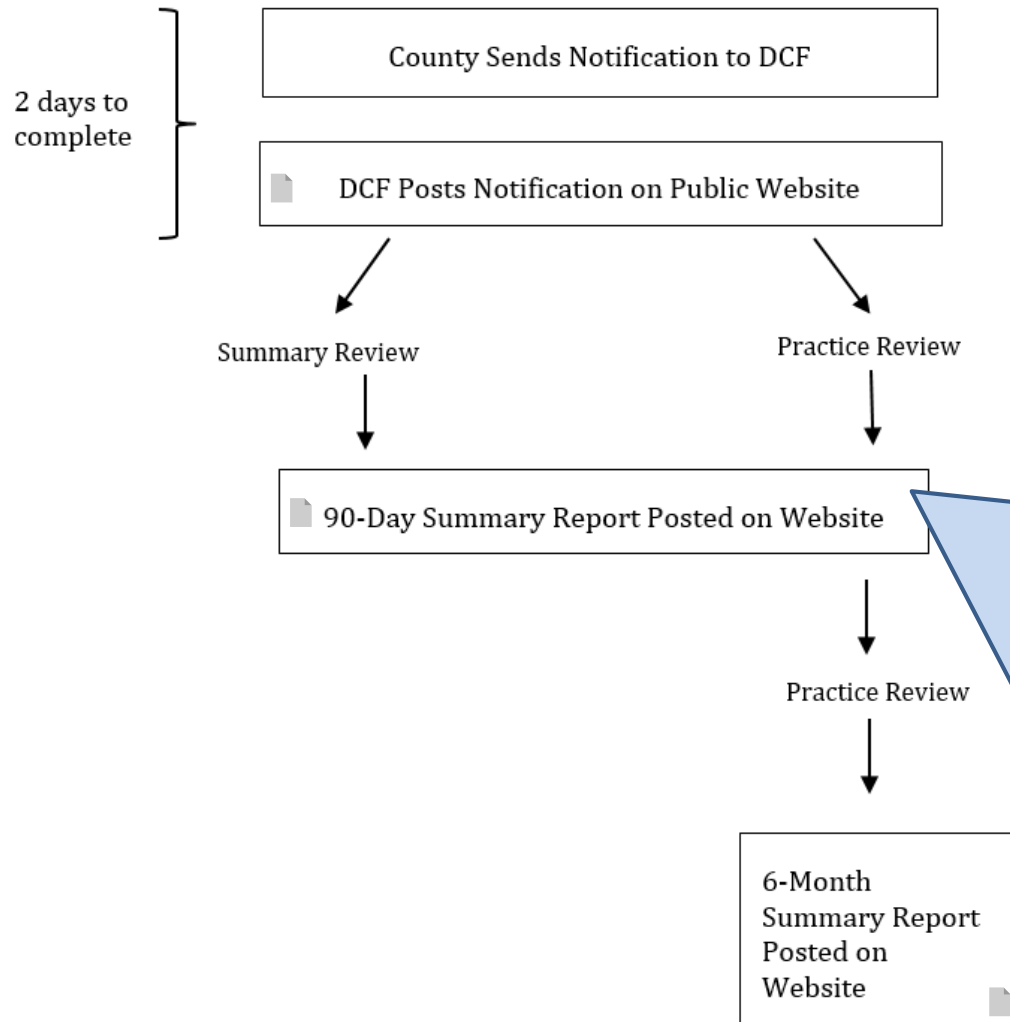


Act 78 Critical Incidents



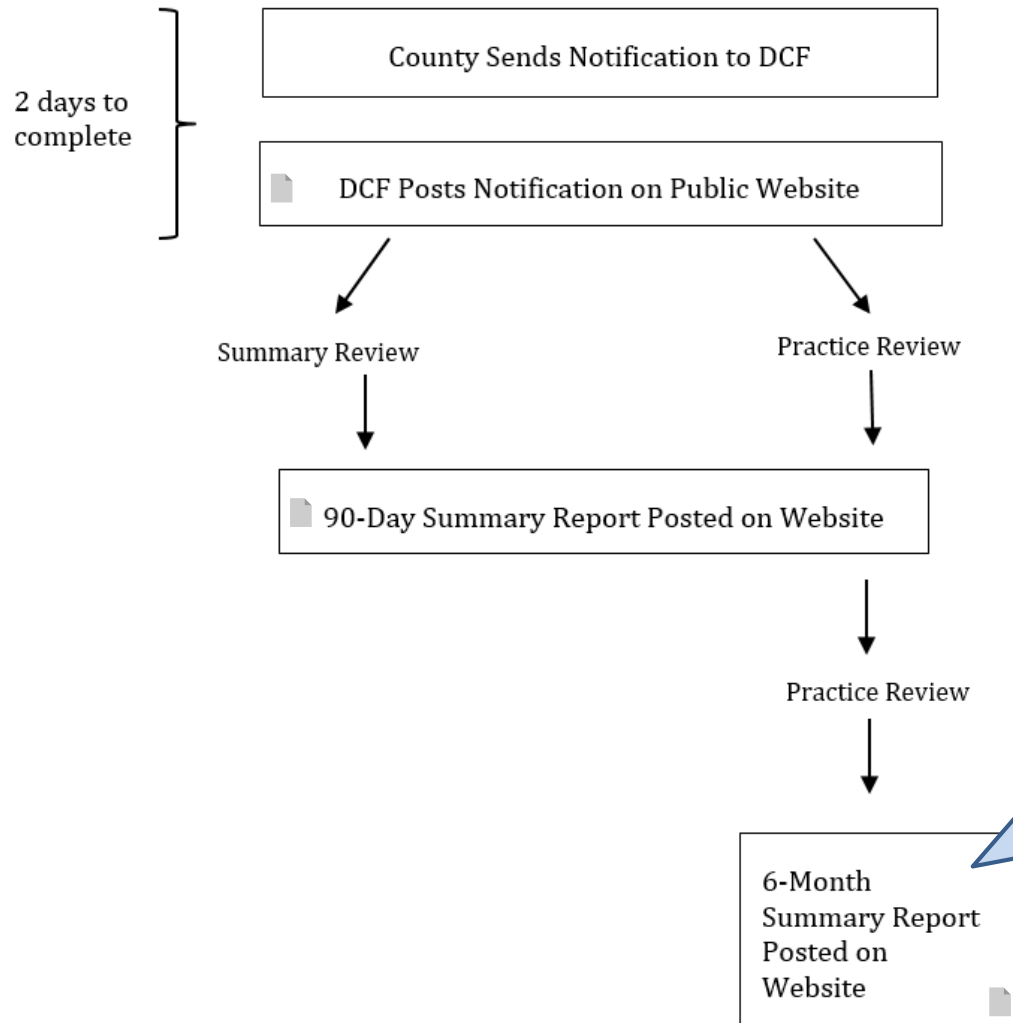
Within 2 working days of receiving the CPS agency's report, DCF notifies the public by publishing the CPS agency's report on DCF's website.

Act 78 Critical Incidents



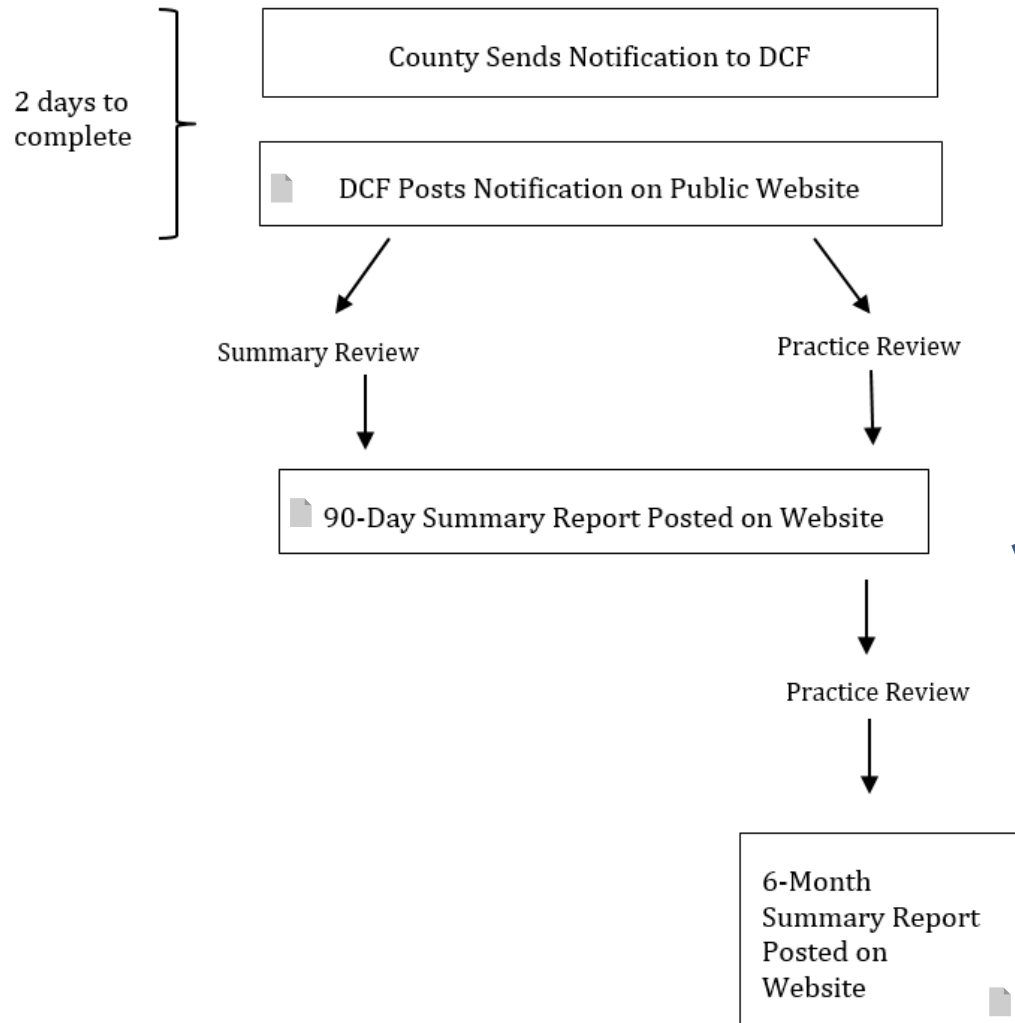
- Within 90 days after DCF receives the CPS agency's report, DCF must prepare a summary report of its review of the incident.
- Act 78 specifies the information that must be included in or excluded from the report.
- The report may also contain:
(1) a summary of responsive actions by CPS agency; (2) and any changes in policy or practices by the CPS agency; and (3) any recommendations for further changes in policies, rules, or statutes.

Act 78 Critical Incidents



If a 90-day summary report does not include those actions, changes, or recommendations, DCF must prepare a final summary report within 6 months from when it first received the CPS agency's report.

Act 78 Critical Incidents



DCF sends all 90-day and 6-month summary reports to the Governor and to the appropriate legislative standing committees.

Act 78 Reports of Sexual Abuse of Children Placed In Out-Of-Home Care

- ▶ Act 78 requires DCF to prepare **quarterly reports** summarizing all reports of sexual abuse of a child placed in out-of-home care.
- ▶ Every fourth quarter report must include an **annual report** about all reports to sexual abuse received during the previous year. The annual report must include information about whether the abuse resulted in any injury, disease, or pregnancy.
- ▶ DCF must send the quarterly and annual reports to the Governor and to the appropriate legislative standing committees.

Legislative Oversight of Act 78 Reports

- ▶ The appropriate legislative standing committees must “no less than annually” conduct public hearings on and submit recommendations to DCF regarding the following types of Act 78 reports:
 - All 90-day and 6-month summary reports.
 - All quarterly and annual reports on sexual abuse of children placed in out-of-home care.
- ▶ Generally, each committee holds the Act 78 hearing once per calendar year, with DCF appearing as an invited speaker.

Confidentiality of Child Abuse and Neglect Incidents and Related Records

► Federal Law: CAPTA.

- Federal CAPTA funds are conditioned on states having in effect and enforcing state laws that preserve confidentiality of all child abuse and neglect records.

► State Law: Section 48.981 (7), Stats.

- In general, **all** reports of suspected child abuse and neglect and related records are confidential.
- Exceptions to confidentiality:
 - Specific persons such as parents, health care providers, law enforcement, etc.
 - Disclosure of certain information under Act 78 to the public and the Legislature.

Examples of Other Child Welfare Reports and Information

- ▶ Reports and information required under state law:
 - Annual Wisconsin Child Abuse and Neglect (CAN) Report.
 - Out-of-Home Care Report and Dashboard.
- ▶ Reports and information prepared related to Federal Child and Family Services Reviews:
 - Child and Family Services Plans and Annual Progress and Services Reports.
 - Continuous Quality Improvement Reports and Dashboards.
- ▶ Various interactive child welfare dashboards.

Questions?

The work of the committee is available on the committee's website at:
lc.legis.wisconsin.gov