



STATE OF WISCONSIN
JOINT LEGISLATIVE COUNCIL

MEETING MINUTES

STUDY COMMITTEE ON PUBLIC DISCLOSURE AND OVERSIGHT OF CHILD ABUSE AND NEGLECT INCIDENTS

Virtual

November 18, 2020
1:00 p.m. – 4:00 p.m.

CALL TO ORDER AND ROLL CALL

Chair Snyder called the meeting to order and a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Patrick Snyder, Chair; Sen. Kathy Bernier, Vice Chair; Sens. André Jacque and LaTonya Johnson; Rep. Lisa Subeck; and Public Members Diane Cable, Emily Coddington, Susan Conwell, Tim Easker, and Lisa Roberts.

COMMITTEE MEMBER EXCUSED: Public Member Jermaine Reed.

COUNCIL STAFF PRESENT: Amber Otis, Staff Attorney, and Melissa Schmidt, Senior Staff Attorney.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 23, 2020 MEETING

Senator Johnson moved, seconded by Senator Bernier, to approve the minutes from the committee's meeting on September 23, 2020. The motion passed on a voice vote.

DESCRIPTION OF MATERIALS DISTRIBUTED

Melissa Schmidt, Senior Staff Attorney, Legislative Council staff, described materials provided by Legislative Council Staff, including Memo No. 03, *Committee Options for Possible Legislation* (November 11, 2020) (options memo), and preliminary bill drafts reflecting three of the memo's options. Ms. Schmidt also noted additional materials recently submitted and available on the committee's website, including information from the Department of Children and Families (DCF), the Children's Health Alliance of Wisconsin, Children's Wisconsin, and Public Member Conwell.

DISCUSSION OF COMMITTEE ASSIGNMENT

Amber Otis, Staff Attorney, Legislative Council staff, provided an overview of the options memo, noting that it compiles legislative options that were presented to the committee through testimony, committee discussion, and other correspondence with committee staff. Ms. Otis indicated that the goal for the committee's discussion was to proceed through all of the options in the memo and identify particular options that, at the committee's request, are to be developed into draft proposals for consideration at the committee's next meeting. Following that overview, Chair Snyder and Legislative Council staff facilitated discussion on the memo's options, as organized by subject matter categories.

Public Disclosures of and Quarterly Reports of Sexual Abuse

Ms. Otis described two options relating to the quarterly reports that summarize reports of certain forms of sexual abuse of children placed in out-of-home care (OHC). The committee reached consensus in support of the first option and reviewed the related bill draft, WLC: 0001/P1, which would narrow the reports to include only those reports of sexual abuse that are alleged to have occurred while a child is placed in OHC. After discussion, Chair Snyder instructed Legislative Council staff to revise the bill draft to also require that DCF specify in the quarterly reports whether an alleged maltreater was the child's OHC provider.

Public Disclosure of and Reports of Critical Incidents

The committee discussed several proposed options relating to manner and scope of DCF's public disclosure of incidents that result in death, serious injury, or egregious abuse or neglect of a child (critical incidents).

Ms. Schmidt described bill draft WLC: 0002/P1, which narrows DCF's public disclosure requirements to critical incidents of substantiated child abuse and neglect. Some members expressed support based on privacy concerns for disclosing information on unsubstantiated cases. Other members were opposed, citing the need for transparency on reports of critical incidents. The committee also discussed the bill draft's repeal of DCF's two-day notification requirement. Some members preferred to maintain the two-day notification, because it informs the public that a critical incident has occurred and a summary report will be forthcoming, while others supported the repeal, arguing that the information is not useful and could disclose information in unsubstantiated cases.

Ms. Otis described bill draft WLC: 0003/P1, which narrows certain information disclosed in summary reports to only information that is pertinent to the child abuse or neglect that led to the incident involving the child, any member of the child's family residing in the child's home at the time of the incident, any caregiver of the child, and the person suspected of the abuse or neglect. Committee members did not express opposition to the bill, but questioned the meaning of the term "pertinent."

After reviewing the remainder of the options related to public disclosure, Chair Snyder requested, based on committee discussion, that Legislative Council staff prepare a bill draft requiring DCF to aggregate information about critical incidents and include that information in DCF's annual *Child Abuse and Neglect Report (CAN Report)*.

Annual Hearing by Legislative Standing Committees

Ms. Otis described the proposals in the options memo related to the annual hearing by the appropriate legislative standing committees. Based on committee discussion, Chair Snyder requested that Legislative Council staff prepare a bill draft requiring that DCF's *CAN Report* be subject to an annual legislative hearing, an option that would codify current practice. Ms. Otis noted that this bill draft may be combined with a previously requested bill draft requiring aggregated critical data in the *CAN Report*.

The committee also discussed the option to subject information on system change reviews to an annual legislative hearing. Members generally expressed support for this option, noting that the process may generate valuable systemic information. However, members commented that it may take time to have useful trend data, given the relatively recent adoption of this type of review and the small number of cases that qualify for its use. In response to Chair Snyder's request to prepare a bill draft for committee review, Ms. Schmidt noted that Legislative Council staff may consult with Public Member Easker and DCF as to the appropriate way to characterize the system change review information in the bill draft.

Of the remaining options related to the annual hearing, the committee focused on two options: (1) repealing the statutory requirement that legislative standing committees conduct annual hearings on the individual summary reports; and (2) authorizing legislative standing committees to convene in closed session on individual summary reports. Chair Snyder directed Legislative Council staff to engage in further research on these two options and consult with his office regarding whether to prepare a bill draft on one or both of them.

With respect to eliminating the hearing on individual summary reports, some members viewed the hearing as tool for legislative oversight, while others expressed concern that an individual summary report is not a useful tool for informing statewide policy. With respect to closed session, Ms. Otis highlighted issues referenced in the options memo regarding the use of confidentiality agreements and a prohibition against re-disclosure. Ms. Otis explained that certain information may need to remain confidential in a closed session meeting in order to comply with federal Title IV-E funding requirements. Committee members expressed varying opinions on the closed session option; some noted it may be valuable and others reiterated concerns of basing policy on individual incidents. Committee members also raised questions regarding the presence of legislative staff at a closed session hearing and the scope of the information that may be disclosed.

Reports Containing Aggregated Data of Critical Incidents

Ms. Schmidt described two options that would require DCF to aggregate information in new reports: (1) a three-year trend data analysis of critical incident information; and (2) a five-year retrospective review of critical incident data. Public Member Coddington provided insight on the types of data to include in these types of reports. After discussion, Chair Snyder directed Legislative Council staff to prepare a bill draft implementing these two options for the committee's consideration.

County Systems Change Reviews

Ms. Schmidt provided an overview of the options related to county systems change reviews, noting that the Wisconsin County Human Service Association suggested these options in its testimony before the committee. Committee members expressed concern about the fiscal impact of the options and hesitancy to request the preparation of bill drafts at this time. However, committee members noted support for the policy proposals and considered them worthy of future consideration. After discussion, Chair Snyder requested that the committee's final report include statements of support for these options to receive future legislative consideration.

Citizen Review Panels

Ms. Otis provided background information on citizen review panels in Wisconsin, including various federal requirements, such as the requirement that these panels report annually to DCF. Committee members expressed caution against pursuing options that require either additional information at this stage in the committee's work or stakeholder participation beyond the committee's membership. With regard to the option to require a citizen review panel to send its annual report to the appropriate legislative standing committees, Chair Snyder approved Legislative Council staff to prepare a bill draft and provide the committee with examples of citizen review panels' annual reports for the committee's review as it considers the option and related bill draft. Ms. Otis noted that, at the committee's request, Chair Snyder had previously instructed preparation of a bill draft that may require DCF to analyze annual reports from citizen review panels as part of a larger aggregated report.

Child Death Review Teams

Ms. Otis again provided background information on child death review teams in Wisconsin. Similar to its discussion on citizen review panels, Ms. Otis noted that Chair Snyder had previously requested, at the committee's request, a bill draft that may require DCF to analyze data from child death review teams as part of a larger, aggregated report. Beyond that request, committee members expressed that its membership does not include the stakeholders necessary to craft a state law that comprehensively governs child death review teams. However, acknowledging value in the work of child death review teams, Chair Snyder noted that the committee may consider expressing support for such legislative efforts in its final report to the Joint Legislative Council.

PLANS FOR FUTURE MEETINGS

The committee's next meeting will be held virtually on Thursday, December 10, 2020. Once finalized, Chair Snyder or Legislative Council staff will inform members of the meeting's start time.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

[The preceding is a summary of the meeting of the Study Committee on Public Disclosure and Oversight of Child Abuse and Neglect Incidents on November 18, 2020, which was recorded by WisconsinEye. The video recording is available in the WisconsinEye archives.]

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