

1 **AN ACT** *to create* 48.981 (9m) of the statutes; **relating to:** annual three-year trend
2 reports and a five-year retrospective report of incidents of death, serious injury, or
3 egregious abuse or neglect of a child submitted to legislative standing committees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Study Committee on Public Disclosure and Oversight of Child Abuse and Neglect Incidents.

Three-Year Trend Report on Critical Incidents

Background

Current law requires the Department of Children and Families (DCF) to prepare summary reports of its review of incidents of death, serious injury, or egregious abuse or neglect of a child (critical incident), generally within 90 days after receiving a report of such incident. DCF must transmit the summary reports to the governor and the appropriate standing committees of the legislature, as well as make the reports publicly available. Information that must be included or excluded from a summary report is specified under current law.

Also under current law, DCF has the discretion to determine the scope of its review of the incident. When preparing the summary reports, DCF’s current practice is to determine whether the critical incident qualifies for a “summary review” or an in-depth “practice review.” Under DCF’s current practice, critical incidents that qualify for an in-depth practice review involve prior contact with a child protective services (CPS) agency that was recent, exhaustive, or both. For in-depth practice reviews, DCF currently uses a “systems change review.” The systems change review is a data-driven and trauma-informed approach that uncovers the “second story” of a critical incident, such as the influences and details typically not included in the case file, to reflect the child welfare system’s constraints pertinent to the work of CPS professionals.

Bill Draft

This bill draft requires DCF to annually prepare and transmit to the governor and to the appropriate standing committees of the legislature a report analyzing all critical incidents that occurred over the three most recent calendar years. The bill draft requires these legislative standing committees to review, and conduct annual hearings on, this annual report. The report must include a full statistical analysis of all of the following:

1. Information that, under current law, must be included in the summary reports.
2. If an in-depth practice review was conducted, narrative information regarding any systemic issues identified during the in-depth practice review; information about any changes in policies or practices that the CPS agency made as a result of the in-depth practice review; and recommended changes in policies, practices, rules, or statutes that DCF transmitted to the governor and legislative standing committees.
3. Any safety improvement recommendations that DCF obtained from a citizen review panel, a state child death advisory council, or a child death review team.

Five-Year Critical Incident Retrospective Review Report*Background*

The federal Protect our Kids Act of 2012 created the Commission to Eliminate Child Abuse and Neglect Fatalities to conduct a thorough study on child protective services and develop recommendations to reduce fatalities from child abuse and neglect for federal, state, and local agencies, and private sector and nonprofit organizations. The commission recommended, in part, that states conduct a review of all child abuse and neglect fatalities from the previous five years to identify under what circumstances children died from abuse or neglect, protective factors that may prevent fatalities from occurring, and CPS policies and practices across multiple systems that need improvement to prevent fatalities.

Bill Draft

The bill draft requires DCF to prepare and transmit to the governor and to the appropriate standing committees of the legislature, a report analyzing critical incidents that have occurred in the calendar years 2015 through 2020. DCF must prepare and transmit the report by December 31, 2022. The report must identify the circumstances under which the critical incident occurred, the protective factors that may have prevented the critical incident from occurring, and CPS policies and practices that need improvement to prevent the critical incident. The report may also include any of the following:

1. Demographic and socioeconomic information that are predictive of or correlated with child maltreatment, such as the age of the child, child behavior, family structure, parental stress, and poverty.
2. Systemic information about the CPS agency that reported the critical incident and each of the agency's staff members and supervisors whose responsibilities include investigation or treatment of child abuse and neglect or of unborn child abuse.
3. Information obtained by DCF from a citizen review panel, a state child death review advisory council, or a child death review team.

1 **SECTION 1.** 48.981 (9m) of the statutes is created to read:
2 48.981 **(9m)** ANNUAL THREE-YEAR TREND REPORTS ON CRITICAL INCIDENTS. Annually, the
3 department shall prepare and transmit to the governor and to the appropriate standing
4 committees of the legislature under s. 13.172 (3), a report analyzing all incidents of death or
5 serious injury as defined in sub. (7) (cr) 1. a. and incidents of egregious abuse or neglect as
6 defined in sub. (7) (cr) 1. b. for which a report was prepared and transmitted under sub. (7)
7 (cr) 3. b. over the three most recent calendar years ending on the December 31 immediately
8 preceding the date of the report. Those committees shall review the report and conduct public
9 hearings not less than annually on any report transmitted under this sub. (9m). The report shall
10 include a full statistical analysis of all of the following information obtained by the department
11 during the three-year timeframe that is the subject of the report:

1 (a) Information contained in the summary reports as specified in sub. (7) (cr) 4. and 5.,
2 but may not include any of the information specified in sub. (7) (cr) 6. or any information that
3 would jeopardize an investigation, prosecution, or proceeding described in sub. (7) (cr) 7. a.
4 or b.

5 (b) If an in-depth practice review was conducted, narrative information regarding any
6 systemic issues identified during the in-depth practice review; information about any changes
7 in policies or practices that the agency made as a result of the in-depth practice review; and
8 recommended changes in policies, practices, rules, or statutes that the department transmitted
9 to the governor and legislative standing committees under sub. (7) (cr) 3. b.

10 (c) Any safety improvement recommendations that the department obtained from a
11 citizen review panel, a state child death advisory council, or a child death review team.

NOTE: This SECTION creates the requirement that DCF annually prepare and transmit to the governor and to the appropriate standing committees of the legislature, a report that analyzes all critical incidents that occurred over the three most recent calendar years. This SECTION also requires these legislative standing committees to review this annual report and conduct public hearings on the report.

12 **SECTION 2. Nonstatutory provisions.**

13 (1) FIVE-YEAR RETROSPECTIVE CRITICAL INCIDENT REVIEW REPORT. The department of
14 children and families shall, by December 31, 2022, prepare and transmit to the governor and
15 to the appropriate standing committees of the legislature under s. 13.172 (3), a report
16 analyzing the incidents for which the department receives information under s. 48.981 (7) (cr)
17 2. of the statutes. The report shall review incidents that have occurred in the calendar years
18 2015 through 2020 and may not include any of the information specified in sub. (7) (cr) 6. or
19 any information that would jeopardize an investigation, prosecution, or proceeding described
20 in sub. (7) (cr) 7. a. or b. The report shall identify the circumstances under which the incident

1 occurred, the protective factors that may have prevented the death or incident from occurring,
2 and agency policies and practices that need improvement to prevent the death or incident. The
3 report may include any of the following:

4 (a) Demographic and socioeconomic information that are predictive of or correlated
5 with child maltreatment, such as the age of the child, child behavior, family structure, parental
6 stress, and poverty.

7 (b) Systemic information about the agency that reported the incident under s. 48.981 (7)
8 (cr) 2. of the statutes and each of the agency's staff members and supervisors whose
9 responsibilities include investigation or treatment of child abuse and neglect or of unborn
10 child abuse.

11 (c) Information obtained by the department from a citizen review panel, a state child
12 death review advisory council, or a child death review team.

NOTE: This SECTION creates the requirement that DCF prepare and transmit to the governor and to the appropriate standing committees of the legislature, a five-year retrospective report analyzing critical incidents that have occurred in the calendar years 2015 through 2020. DCF must prepare and transmit the report by December 31, 2022. This SECTION creates the requirement in a nonstatutory provision because it is a one-time reporting requirement.

13 **SECTION 3. Effective date.**This bill draft takes effect on the day after publication,
14 except as follows:

15 (1) The treatment of s. 48.981 (9m) takes effect on the first January after the bill draft
16 is enacted and published.

NOTE: This SECTION specifies two effective dates for the bill draft, one for the five-year retrospective report and another for the annual three-year trend report on critical incidents. Specifically, this SECTION specifies that: (1) the provisions related to the five-year retrospective study of critical incidents take effect on the standard effective date prescribed by statute; and (2) the provisions related to the annual

three-year trend report on critical incidents takes effect on the first
January after the bill draft is enacted and published.

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(END)