



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4169/1
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2013 SENATE BILL 561

February 5, 2014 - Introduced by Senators OLSEN and LASSA, cosponsored by Representatives BALLWEG, BIES, BEWLEY, KRUG, A. OTT and STRACHOTA. Referred to Committee on Judiciary and Labor.

1 **AN ACT** *to renumber and amend* 48.396 (2) (b) and 938.396 (2g) (b); *to amend*
2 48.299 (1) (ag) and 938.299 (1) (a); and *to create* 48.396 (2) (b) 2. and 938.396
3 (2g) (b) 2. of the statutes; **relating to:** the disclosure of juvenile court records
4 to, and admission to juvenile court hearings of, an entity engaged in the bona
5 fide research, monitoring, or evaluation of activities conducted under a federal
6 court improvement grant.

Analysis by the Legislative Reference Bureau

Under current law, records of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) are confidential and may not be opened for inspection, or their contents disclosed, except under certain statutory exceptions or by an order of the juvenile court. Currently, those exceptions include an exception that requires the juvenile court to disclose its records on the request of a federal agency to review those records for the purpose of monitoring and conducting periodic evaluations of activities required under Titles IV-B and IV-E of the Social Security Act (Titles IV-B and E), which relate to child welfare and family preservation services and to foster care and adoption assistance.

This bill requires a juvenile court to disclose juvenile court records on the request of an entity engaged in the bona fide research, monitoring, or evaluation of activities conducted under a federal court improvement grant, as determined by the director of state courts, to review those records for the purpose of that research,

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monitoring, or evaluation. A federal court improvement grant is a grant from the secretary of the federal Department of Health and Human Services to the highest state court in a state participating in programs under Titles IV-B and E to assess the effectiveness of courts in that state in implementing Titles IV-B and E.

Under current law, the general public is excluded from hearings under the Children's Code and the Juvenile Justice Code. Current law, however, permits the juvenile court to admit to a hearing under the Children's Code or the Juvenile Justice Code any person whom the juvenile court finds to have a proper interest in the case or in the work of the juvenile court.

This bill permits a juvenile court to admit to a hearing under the Children's Code or the Juvenile Justice Code a person engaged in the bona fide research, monitoring, or evaluation of activities conducted under a federal court improvement grant, as determined by the director of state courts.

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

1 **SECTION 1.** 48.299 (1) (ag) of the statutes is amended to read:

2 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
3 a public hearing is not held, only the parties and their counsel or guardian ad litem,
4 the court-appointed special advocate for the child, the child's foster parent or other
5 physical custodian described in s. 48.62 (2), witnesses, and other persons requested
6 by a party and approved by the court may be present, except that the court may
7 exclude a foster parent or other physical custodian described in s. 48.62 (2) from any
8 portion of the hearing if that portion of the hearing deals with sensitive personal
9 information of the child or the child's family or if the court determines that excluding
10 the foster parent or other physical custodian would be in the best interests of the
11 child. Except in a proceeding under s. 48.375 (7), any other person the court finds
12 to have a proper interest in the case or in the work of the court, including a member
13 of the bar or a person engaged in the bona fide research, monitoring, or evaluation
14 of activities conducted under 42 USC 629h, as determined by the director of state
15 courts, may be admitted by the court.

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1 **SECTION 2.** 48.396 (2) (b) of the statutes is renumbered 48.396 (2) (b) 1. and
2 amended to read:

3 48.396 (2) (b) 1. Upon request of the department or a federal agency to review
4 court records for the purpose of monitoring and conducting periodic evaluations of
5 activities as required by and implemented under 45 CFR 1355, 1356, and 1357, the
6 court shall open those records for inspection and copying by authorized
7 representatives of the department or federal agency.

8 **SECTION 3.** 48.396 (2) (b) 2. of the statutes is created to read:

9 48.396 (2) (b) 2. Upon request of an entity engaged in the bona fide research,
10 monitoring, or evaluation of activities conducted under 42 USC 629h, as determined
11 by the director of state courts, to review court records for the purpose of that research,
12 monitoring, or evaluation, the court shall open those records for inspection and
13 copying by authorized representatives of that entity. The director of state courts may
14 use the circuit court automated information system under s. 758.19 (4) to facilitate
15 the transfer of electronic records between the court and that entity.

16 **SECTION 4.** 938.299 (1) (a) of the statutes is amended to read:

17 938.299 (1) (a) Except as provided in par. (ar), the general public shall be
18 excluded from hearings under this chapter unless a public fact-finding hearing is
19 demanded by a juvenile through his or her counsel. The court shall refuse to grant
20 the public hearing, however, if the victim of an alleged sexual assault objects or, in
21 a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is
22 not held, only the parties, their counsel, witnesses, a representative of the news
23 media who wishes to attend the hearing for the purpose of reporting news without
24 revealing the identity of the juvenile involved and other persons requested by a party
25 and approved by the court may be present. Any other person the court finds to have

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1 a proper interest in the case or in the work of the court, including a member of the
2 bar or a person engaged in the bona fide research, monitoring, or evaluation of
3 activities conducted under 42 USC 629h, as determined by the director of state
4 courts, may be admitted by the court.

5 **SECTION 5.** 938.396 (2g) (b) of the statutes is renumbered 938.396 (2g) (b) 1. and
6 amended to read:

7 938.396 (2g) (b) 1. Upon request of the department, the department of children
8 and families, or a federal agency to review court records for the purpose of monitoring
9 and conducting periodic evaluations of activities as required by and implemented
10 under 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection
11 and copying by authorized representatives of that department or federal agency.

12 **SECTION 6.** 938.396 (2g) (b) 2. of the statutes is created to read:

13 938.396 (2g) (b) 2. Upon request of an entity engaged in the bona fide research,
14 monitoring, or evaluation of activities conducted under 42 USC 629h, as determined
15 by the director of state courts, to review court records for the purpose of that research,
16 monitoring, or evaluation, the court shall open those records for inspection and
17 copying by authorized representatives of that entity. The director of state courts may
18 use the circuit court automated information system under s. 758.19 (4) to facilitate
19 the transfer of electronic records between the court and that entity.

20 (END)