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Governor Scott Walker  
Secretary Eloise Anderson

Secretary's Office

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Date: January 29, 2014

To: Members of the Assembly Children and Families Committee

From: Sara Buschman, Assistant Deputy Secretary

Re: Department Position on AB 676 – In Support

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Representative Krug and Assembly Children and Families Committee members,

Thank you for the opportunity to testify on AB 676. My name is Sara Buschman and I am the Assistant Deputy Secretary at the Wisconsin Department of Children and Families (DCF). With me is Robert Williams, the Director of the Bureau of Safety and Well-Being at DCF.

Under current law, child abuse and neglect reports and records are confidential and may be disclosed only to certain people or for certain purposes, including:

- to a licensing or placing agency that is investigating a person for purposes of licensing the person to operate a foster home or placing a child for adoption;
- to a federal, state, or local governmental unit that has a need for such a report or record in order to carry out its responsibility to protect children from abuse or neglect; or
- caregiver background checks

The reauthorization of the federal Child Abuse Prevention and Treatment Act (CAPTA) created a new requirement that agencies could not disclose unsubstantiated or false records for the purposes of employment or other background checks.

Currently, Wisconsin laws are silent on this CAPTA prohibition. AB 676 conforms state law to CAPTA by permitting the release of only substantiated determinations that have:

- not been reversed or modified on appeal or;
- beginning on January 1, 2015, that determination is a final agency determination that the person has abused or neglected the child or;
- if a contested case hearing is held on such a determination, is a final administrative or judicial decision that the person has abused or neglected the child.

These changes bring state laws into compliance with CAPTA, which is a source of federal funding for the child welfare system and the Department of Justice (DOJ) Children's Justice Assistance program in Wisconsin. If this change isn't made, it puts DCF and DOJ at risk of losing federal funding.

Thank you for the opportunity to testify on this legislation.



## Luther S. Olsen

State Senator

14th District

### Testimony in favor of AB 676

Wednesday, Jan. 29, 2014

### Assembly Committee on Children and Families

Thank you Chairman Krug and committee members for holding a hearing on AB 676. I greatly appreciate the opportunity to discuss this legislation, and the committee members' time today.

In 2010, the US Congress passed the reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA). CAPTA establishes a minimum definition for child abuse and neglect, and authorizes federal funding to states in support of prevention, identification, assessment, investigation and treatment activities. To be eligible for a grant under CAPTA, a state has to have conditions stipulating the prompt expungement, for the purposes of employment or other background checks, of records relating to child abuse or neglect cases determined to be unsubstantiated or false.

Currently in Wisconsin, our statutes do not address this fact, and changes need to be made to address the federal requirement. This bill accomplishes this by:

1. allowing a determination that a person has abused or neglected a child made before Jan. 1, 2015 to be disclosed for the purposes of a caregiver background check only if that determination has not been reversed or modified on appeal;
2. allowing such a determination made on or after January 1, 2015, to be disclosed for those purposes only if that determination is a final agency determination that the person has abused or neglected the child or, if a contested case hearing is held on such a determination, is a final administrative or judicial decision that the person has abused or neglected the child. The bill also provides that nothing in the bill prevents the disclosure of a child abuse or neglect report or record as otherwise permitted under current law.

The changes in AB 676 will bring Wisconsin's laws into compliance with CAPTA. If these changes are not made, the child welfare system in our state could lose federal funding. Further, the Department of Children and Families (DCF) must be in compliance with CAPTA requirements for the Department of Justice (DOJ) Children's Justice Assistance Program to continue to receive CAPTA funding. As a consequence, if these changes are not made, DCF and DOJ could lose federal funding needed to support programs that provide for Wisconsin's children's health, safety, and welfare.

Once again, thank you for the opportunity to submit testimony in favor of AB 676.