

AS:tlu

01/14/2005

1       **AN ACT** *to amend* 48.78 (2) (a) and 938.78 (2) (a); and *to create* 48.48 (17) (bm),  
 2           48.57 (2m) and 938.57 (2m) of the statutes; **relating to:** notice that a person  
 3           receiving child welfare services has changed his or her county of residence.

*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 special committee on adoption and termination of parental rights law.

The bill draft provides that as soon as practicable after learning that a person who is receiving child welfare services has changed his or her county of residence, the county department of human or social services (“county department”) or, in Milwaukee County, the department of health and family services (DHFS) must provide notice of that change to the county department of the person’s new county of residence. Notice must be provided to DHFS if the person’s new county of residence is Milwaukee County.

4           **SECTION 1.** 48.48 (17) (bm) of the statutes is created to read:  
 5           48.48 **(17)** (bm) As soon as practicable after learning that a person who is receiving  
 6           child welfare services under par. (a) from the department has changed his or her county of  
 7           residence, the department shall provide notice of that change to the county department of the  
 8           person’s new county of residence. The notice shall include a brief, written description of the  
 9           services offered or provided to the person by the department and the name, phone number, and  
 10          address of a person to contact for more information.

**NOTE:** SECTION 1 provides that as soon as practicable after learning that a person who is receiving child welfare services from DHFS has changed his or her county of residence from Milwaukee County, DHFS must provide notice of that change to the county department of that person’s new county of residence.

The notice must include a brief, written description of the services offered or provided to the person by DHFS and the name, telephone number, and address of a person to contact for more information.

**COMMENT:** This bill draft is based upon a portion of LRB-0500/3, a bill draft authored by Representative Ward. LRB-0500/3 required a county to notify another county if a person who had received child welfare services moved to that county. This seems to be very broad. Also, according to DHFS, it is questionable as to whether a county has the authority to disclose information relating to a case that has been closed. This bill draft requires notice of a change in county of residence only of a person who is currently receiving child welfare services.

LRB-0500/3 also required the notice to specify the number of months in the most recent 22 months that the child has been placed outside the home, if the child welfare services provided include out-of-home placement. According to DHFS, this information is available on the Wisconsin statewide automated child welfare information system (WiSACWIS). Therefore, this bill draft does not include that requirement.

1           **SECTION 2.** 48.57 (2m) of the statutes is created to read:

2           48.57 (2m) A county department, as soon as practicable after learning that a person who  
3 is receiving child welfare services under sub. (1) from the county department has changed his  
4 or her county of residence, shall provide notice of that change to the county department of the  
5 person's new county of residence or, if that new county of residence is a county having a  
6 population of 500,000 or more, the department. The notice shall include a brief, written  
7 description of the services offered or provided to the person by the county department and the  
8 name, phone number, and address of a person to contact for more information.

**NOTE:** SECTION 2 requires notice, as set forth in SEC. 1, when a person who is receiving child welfare services moves from a county other than Milwaukee County, to another county.

9           **SECTION 3.** 48.78 (2) (a) of the statutes is amended to read:

10           48.78 (2) (a) No agency may make available for inspection or disclose the contents of  
11 any record kept or information received about an individual in its care or legal custody, except

1 as provided under s. 48.371, 48.38 (5) (b) or (d) or (5m) (d), 48.432, 48.433, 48.48 (17) (bm),  
2 48.57 (2m), 48.93, 48.981 (7), 938.51, or 938.78 or by order of the court.

**NOTE:** SECTION 3 permits a county department or DHFS to make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody in order to provide the notice as required under SECS. 1 and 2 of the bill draft.

3 **SECTION 4.** 938.57 (2m) of the statutes is created to read:

4 938.57 (2m) A county department, as soon as practicable after learning that a person  
5 who is receiving juvenile welfare services under sub. (1) from the county department has  
6 changed his or her county of residence, shall provide notice of that change to the county  
7 department of the person's new county of residence. The notice shall include a brief, written  
8 description of the services offered or provided to the person by the county department and the  
9 name, phone number, and address of a person to contact for more information.

**NOTE:** SECTION 4 requires notice, as set forth in SECS. 1 and 2, when a person who is receiving juvenile welfare services moves from a county to another county.

10 **SECTION 5.** 938.78 (2) (a) of the statutes is amended to read:

11 938.78 (2) (a) No agency may make available for inspection or disclose the contents  
12 of any record kept or information received about an individual in its care or legal custody,  
13 except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d) or (5m) (d), ~~or~~ 938.51,  
14 or 938.57 (2m) or by order of the court.

**NOTE:** SECTION 5 permits a county department to make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody in order to provide the notice as required under SEC. 4 of the bill draft.

15 **SECTION 6. Initial applicability.**

1           (1) The treatment of sections 48.48 (17) (bm), 48.57 (2m), 48.78 (2) (a), 938.57 (2m),  
2           and 938.78 (2) (a) of the statutes first applies to a person who changes his or her county of  
3           residence on the effective date of this subsection.

**NOTE:** SECTION 6 provides that the provisions of the bill draft first apply  
to a person who changes his or her county of residence on the effective  
date of the legislation.

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**(END)**