

1 **AN ACT** *to consolidate and renumber* 48.981 (7) (cr) 4. a., e., and f., and 5. a., e., and
2 f.; *to amend* 48.981 (7) (cr) 3. b. and c. and 48.981 (7) (cr) 4. (intro.), b., c., d. and
3 g.; and *to create* 48.981 (7) (cr) 3m. (intro.) of the statutes; **relating to:** limiting the
4 public disclosure of information to that pertinent to the child abuse or neglect.

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.

BACKGROUND

Under current law, the Department of Children and Families (DCF) must prepare summary reports of its review of incidents of death, serious injury, or egregious child abuse or neglect, generally within 90 days after receiving a report of such incidents. 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.

For incidents involving a child that was residing in his or her home at the time of the incident, current law specifies the information that DCF must provide in the summary reports. This information includes specified information about the history of and involvement with the child welfare system by: (1) the child; (2) any member of the child's family; and (3) the person suspected of the abuse or neglect.

BILL DRAFT

The bill draft narrows the types of information disclosed in the summary reports for incidents involving a child residing in his or her home at the time of the incident. Specifically, for such incidents, the bill draft requires DCF to include in the summary report 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.

5 **SECTION 1.** 48.981 (7) (cr) 3. b. and c. of the statutes are amended to read:

1 48.981 (7) (cr) 3. b. Within 90 days after receiving the information provided under subd.
2 2., the subunit of the department that received the information shall prepare, transmit to the
3 governor and to the appropriate standing committees of the legislature under s. 13.172 (3), and
4 make available to the public a summary report that contains the information specified in subd.
5 3m. and subd. 4. or 5., whichever is applicable. That subunit may also include in the summary
6 report a summary of any actions taken by the agency in response to the incident and of any
7 changes in policies or practices that have been made to address any issues raised in the review
8 and recommendations for any further changes in policies, practices, rules, or statutes that may
9 be needed to address those issues. If the subunit does not include those actions or changes and
10 recommended changes in the summary report, the subunit shall prepare, transmit to the
11 governor and to the appropriate standing committees of the legislature under s. 13.172 (3), and
12 make available to the public a report of those actions or changes and recommended changes
13 within 6 months after receiving the information provided under subd. 2. Those committees
14 shall review all summary reports and reports of changes and recommended changes
15 transmitted under this subd. 3. b., conduct public hearings on those reports no less often than
16 annually, and submit recommendations to the department regarding those reports.

17 c. Subdivision 3. a. and b. does not preclude the subunit of the department that prepares
18 the summary report from releasing to the governor, to the appropriate standing committees of
19 the legislature under s. 13.172 (3), or to the public any of the information specified in subd.
20 3m., 4., or 5. before the summary report is transmitted to the governor and to those committees
21 and made available to the public; adding to or amending a summary report if new information
22 specified in subd. 3m., 4., or 5. is received after the summary report is transmitted to the
23 governor and to those committees and made available to the public; or releasing to the

1 governor, to those committees, and to the public any information at any time to correct any
2 inaccurate information reported in the news media.

NOTE: This SECTION adds cross-references to the non-substantive provision created in SECTION 2 that requires DCF to include specific information in a summary report, regardless of whether the child was residing in his or her home or placed in out-of-home care at the time of the incident.

3 SECTION 2. 48.981 (7) (cr) 3m. (intro.) of the statutes is created to read:
4 48.981 (7) (cr) 3m. (intro.) The summary report under subd. 3. shall contain all of the
5 following:

NOTE: Currently, the statutes provide 2 separate lists of information that must be disclosed in summary reports, one for incidents that occurred when the child was residing in his or her home at the time of the incident and the other for incidents that occurred while the child was residing in out-of-home care. To reduce redundancy, this SECTION, in conjunction with SECTION 4, consolidates the types of information that DCF must include in a summary report, regardless of whether the child was residing in his or her home or placed in out-of-home care at the time of the incident. This SECTION provides the introductory language for the list of information that is listed in SECTION 4 and does not make any substantive changes to the statutes.

6 SECTION 3. 48.981 (7) (cr) 4. (intro.), b., c., d. and g. of the statutes are amended to read:
7 48.981 (7) (cr) 4. (intro.) If the child was residing in his or her home when the incident
8 of death or serious injury or the incident of egregious abuse or neglect occurred, the summary
9 report under subd. 3. shall contain all of the following, if pertinent to the child abuse or neglect
10 that led to the incident:

11 b. A statement of whether any services under this chapter or ch. 938 were being
12 provided to the child, any member of the child's family residing in the child's home at the time
13 of the incident, any caregiver of the child, or the person suspected of the abuse or neglect, or
14 whether any of those persons was the subject of a report being investigated under sub. (3) or

1 of a referral to the agency for services, at the time of the incident and, if so, the date of the last
2 contact between the agency providing those services and the person receiving those services.

3 c. A summary of all involvement of the child's parents residing in the child's home at
4 the time of the incident, any caregiver of the child, and of the person suspected of the abuse
5 or neglect in any incident reported under sub. (3) or in receiving services under this chapter
6 or ch. 938 in the 5 years preceding the date of the incident.

7 d. A summary of any actions taken by the agency with respect to the child, any member
8 of the child's family residing in the child's home at the time of the incident, any caregiver of
9 the child, and the person suspected of the abuse or neglect, including any investigation by the
10 agency under sub. (3) of a report in which any of those persons was the subject and any
11 referrals by the agency of any of those persons for services.

12 g. A summary of any investigation that has been conducted under sub. (3) of a report
13 in which the child, any member of the child's family any caregiver of the child, or the person
14 suspected of the abuse or neglect was the subject and of any services that have been provided
15 to the child and the child's family since the date of the incident.

NOTE: This SECTION requires DCF to only disclose information related to the history and involvement of the child welfare system that is pertinent to the child abuse or neglect for those incidents in which the child was residing in his or her home at the time of the incident. The term "pertinent" is used in the federal Child Welfare Policy Manual's description of the minimum types of information that states must publicly disclose to maintain compliance with the federal Child Abuse Prevention and Treatment (CAPTA). In addition, this SECTION limits the individuals whose information may be disclosed to the child's family members that resided in the child's home at the time of the incident. This SECTION also adds a child's caregiver among the individuals whose history and involvement with the child welfare system must be disclosed in a summary report.

COMMENTS: Does the phrase "pertinent to the incident" meet the committee's intent? The term "pertinent" appears to comply with the

minimum CAPTA requirements, though states may generally expand upon those minimum requirements. For example, some states require disclosure of any services provided or actions taken regarding the child or the child's family at the time of the incident or within a certain time period in the past, without limiting the disclosure to "pertinent" information. However, other states closely track the CAPTA requirements, by limiting disclosure of information on any previous reports of child abuse or neglect to that which is pertinent to the abuse or neglect that led to the child fatality or near fatality.

The addition of the term “caregiver”, as defined under s. 48.981 (1) (am), stats., significantly broadens the individuals whose information may be disclosed. However, under the bill draft, any disclosure is still limited to that which is “pertinent to the child abuse or neglect that led to the incident”. Is this approach consistent with the committee’s intent?

1 **SECTION 4.** 48.981 (7) (cr) 4. a., e., and f., and 5. a., e., and f. of the statutes is
2 consolidated and renumbered 48.981 (7) (cr) 3m. a., b., and c.

NOTE: This SECTION, in conjunction with SECTION 2, consolidates 2 provisions that require identical types of information to be included in summary reports for both children residing in his or her home and children placed in out-of-home care at the time of the incident. SECTION 2 creates introductory language for the provisions renumbered by this SECTION.

3 SECTION 5. Initial applicability.

4 (1) This act first applies to reports received by an agency under s. 48.981 (3) on the
5 effective date of this subsection.

NOTE: This SECTION provides that the bill draft applies to incidents of suspected child abuse or neglect that are reported on or after the bill draft's effective date.

6 (END)