

1 **AN ACT to create** 48.981 (7) (cr) 3m. of the statutes; **relating to:** reports of in-depth
2 practice reviews of incidents of death, serious injury, or egregious abuse or neglect
3 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.

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 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.

Current law generally grants DCF 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 agency (CPS) 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

Under this bill draft, if DCF conducts in-depth practice reviews of critical incidents, DCF must also prepare and transmit to the governor and the appropriate legislative standing committees a report on the status of DCF’s in-depth practice review process. The bill draft also specifies that this report must include a full statistical analysis of any in-depth

practice review conducted by DCF. DCF is not required to prepare and transmit a report if DCF has not conducted an in-depth practice review of any incidents in the previous calendar year.

The bill draft also requires the legislative standing committees that receive DCF's report, as required under the bill draft, to conduct a hearing on the report.

1 **SECTION 1.** 48.981 (7) (cr) 3m. of the statutes is created to read:

2 48.981 (7) (cr) 3m. a. Except as provided under subd. 3m. b., if the department conducts
3 in-depth practice reviews of incidents for which the department receives information under
4 subd. 2., the department shall [by June 1, September 30, December 31] [annually, each
5 odd-numbered year] prepare and transmit to the governor and to the appropriate standing
6 committees of the legislature under s. 13.172 (3), a report on the status of the department's
7 in-depth practice review process. The report shall include a full statistical analysis of in-depth
8 practice reviews conducted by the department, narrative information regarding any systemic
9 issues identified during the in-depth practice review; information about any changes in
10 policies or practices that the agency made as a result of the in-depth practice review; and
11 recommended changes in policies, practices, rules, or statutes that the department transmitted
12 to the governor and legislative standing committees under subd. 3. b. Those committees shall
13 review the report and conduct public hearings [not less than annually] on any report
14 transmitted under this subd. 3m. a.

15 b. The department is not required to prepare and transmit a report required under subd.
16 3m. a. if the department has not conducted an in-depth practice review of any incidents on
17 which the department received information under subd. 2. in the previous 12-month period
18 ending on the December 31 immediately preceding the date of the report.

COMMENT: Should the bill draft specify a date by which DCF should prepare and transmit its report on the in-depth practice reviews? Should the bill require DCF to prepare and transmit this report annually, every

