

**SENATE COMMITTEE ON HUMAN SERVICES AND AGING**

**Paper Ballot on Senate Bill 420**

Senate Bill 420 requires DHFS to establish a uniform procedure for appeals of child abuse or neglect determinations. The bill requires that the process developed by DHFS include a provision for holding the appeal in abeyance pending the outcome of a criminal investigation, a criminal proceeding or a CHIPS proceeding.

The bill also specifies under what circumstances an agency may disclose to the public a written summary of information relating to a child abuse or neglect investigation.

Finally, the bill permits a citizen review panel established by DHFS or by a county department to have access to otherwise confidential child abuse and neglect reports and records.

The bill explicitly states that the appeal procedure need not be promulgated as an administrative rule. Senate Amendment LRBa1756/1 requires the appeal procedure to be promulgated as administrative rules.

**Moved by:** Senator Robson

**Motion:** introduction and adoption of Senate Amendment LRBa1756/1

Aye

No

**Moved by:** Senator Robson

**Motion:** passage as amended

Aye

No

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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**Moved by:** Senator Robson

**Motion:** introduction and adoption of Senate Amendment LRBA1756/1

Aye

No

**Moved by:** Senator Robson

**Motion:** passage as amended

Aye

No

Signature: *Ferdinand J. Lopez*

Date: March 23, 2000

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**Moved by:** Senator Robson

**Motion:** introduction and adoption of Senate Amendment LRBA1756/1

Aye

No

**Moved by:** Senator Robson

**Motion:** passage as amended

Aye

No

Signature: \_\_\_\_\_

*Robert W. Ulrich*

Date: \_\_\_\_\_

*March 22, 2000*

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**Moved by:** Senator Robson

**Motion:** introduction and adoption of Senate Amendment LRBA1756/1

Aye

No

**Moved by:** Senator Robson

**Motion:** passage as amended

Aye

No

Signature: Carroll R. Royster

Date: March 22, 2000

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**Moved by:** Senator Robson

**Motion:** introduction and adoption of Senate Amendment LRBa1756/1

Aye

No

**Moved by:** Senator Robson

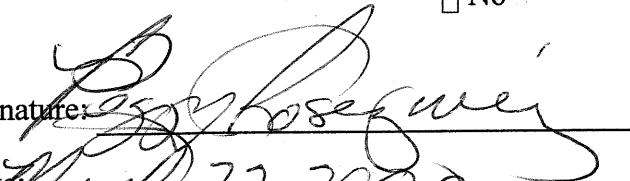
**Motion:** passage as amended

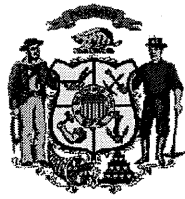
Aye

No

Signature:

Date:

  
March 22, 2000



**JUDITH B. ROBSON**

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STATE SENATOR • WISCONSIN LEGISLATURE  
CHAIR, HUMAN SERVICES AND AGING COMMITTEE  
CO-CHAIR, JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

To: Members of the Senate Committee on Human Services and Aging

Re: Paper Ballots

Date: March 21, 2000

Attached please find paper ballots on the following bills:

- AJR 107, relating to memorializing Congress to pass The Senior Citizen's Freedom to Work Act (H.R.5), eliminating the Social Security earnings limit;
- AB 587, relating to eligibility of second cousins for payments under the kinship care and long-term kinship care programs;
- AB 802, relating to supplemental funding for elderly nutrition programs and making appropriations;
- SB 420, relating to appeals of substantiated neglect findings, public disclosure of certain child abuse and neglect information when there is a child fatality and access to child abuse and neglect information by a citizen review panel established or designated by the department of health and family services or county department of human services or social services; and
- SB 435, relating to requiring the department of workforce development to submit to the governor, the joint committee on finance, the department of administration and certain standing committees a statewide plan for providing employment and support services to low-income, noncustodial parents.

I am taking the unusual step of balloting AJR 107, AB 587 and AB 802 without a hearing because the bills are so simple as to not need explanation. SB 420 and SB 435 did have a hearing before the committee.

***Please return your ballots to me no later than noon on Thursday, March 23, 2000.***



State of Wisconsin  
**Department of Health and Family Services**

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Tommy G. Thompson, Governor  
Joe Lecaen, Secretary

**DHFS SUPPORT OF 1999 SB 420**  
**THE CAPTA COMPLIANCE ACT**

The federal Child Abuse Prevention and Treatment Act (CAPTA) directs states to comply with certain requirements of their child abuse and neglect response systems and programs. Funds are awarded to states that are in compliance with CAPTA.

Wisconsin receives two allocations of funding that are contingent on CAPTA compliance. The Basic Grant program funds received annually average \$400,000. The Children's Justice Act (CJA) currently totals about \$175,000. Failure to comply with CAPTA both funding sources.

Wisconsin had been in compliance with CAPTA for the first 15 years of its existence. However, in a reauthorization of CAPTA, Congress recently added requirements for an explicit appeals process, the authorization of Citizen Review Panels, and public disclosure of agency activity in the case of a child fatality or near fatality. *These new requirements are designed to make state and local child protective services systems more accountable to the public.* SB 420 will bring Wisconsin into compliance with these provisions.

In brief, each of these elements can be described as follows:

- **Explicit Appeals Process.** The CAPTA reauthorization requires that persons who have been determined to have abused or neglected a child as a result of a child protective services investigation be awarded the opportunity to appeal that decision. Under current law, the decision is maintained in the case record and may be disclosed in certain limited situations as defined by statutes. This proposed legislation would assure that a person has the ability to refute this decision and have it reviewed and perhaps reversed through a structured process.
- **Authorization of Citizen Review Panels.** CAPTA also requires that every state authorize and establish citizen review panels to review state and local child protective services (CPS) policies and programs. In order to effectively conduct their business, the panels will at times need access to CPS files. The proposed legislation allows child abuse and neglect records to be disclosed to citizen review panels recognized by county departments or the Department of Health and Family Services. Panels receiving this information are governed by the confidentiality statutes and cannot re-disclose this information except as allowed by statute.
- **Public Disclosure of Agency Activity in Certain Instances.** Wisconsin CPS records are confidential. CAPTA overall reinforces the need to keep such records confidential. However, the CAPTA reauthorization states that some information from CPS records related to the public agency's actions (or failure to act) in particular cases of child fatalities or near fatalities as a result of abuse or neglect must be disclosed to the public. This will assure accountability when a child that has been or is being served by a public child welfare agency is seriously harmed or killed. The proposed legislation would allow for disclosure of agency decisions and actions but maintain confidentiality of personal family information to the greatest extent possible.

In short, SB 420 will satisfy the federal CAPTA requirements and thereby introduce greater accountability of our child welfare system while maintaining eligibility for federal funding.