



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 338
[2009 Senate Bill 375]

Exchange of Electronic Records

2009 Wisconsin Act 338 regulates the exchange of certain electronic records between juvenile courts and the Department of Children and Families (DCF).

Current Law

Under current law, the Director of State Courts (DSC) operates the Consolidated Court Automation Program (CCAP), which includes juvenile case records that may be accessed only by certain persons or by order of a court. Similarly, DCF has created the Statewide Automated Child Welfare Information System (SACWIS), which contains information about child welfare cases that may be accessed only by agencies providing services.

Act 338 allows juvenile courts to transfer records to DCF, and DCF to transfer SACWIS records to the juvenile courts, for the following purposes:

1. Providing child welfare or juvenile justice intake or dispositional services.
2. Assisting proceedings under the Children's Code or the Juvenile Justice Code.

The DSC and the DCF must specify what types of information may be transferred between the juvenile courts and DCF.

The DCF may allow access to the information transferred, only for the purposes of providing intake or dispositional services under the Children's Code or Juvenile Justice Code. The juvenile courts or DSC may allow access to information transferred by DCF only to the extent that the information may be disclosed under the Children's Code or Juvenile Justice Code.

The information transferred must be kept confidential and be used only for purposes permitted under the Act. The Act also provides that any person who intentionally discloses information in violation of the confidentiality restrictions of the Act may be required to forfeit not more than \$5,000.

Effective date: The Act takes effect on May 28, 2010.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.