



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3581/1  
GMM:amn

## 2015 SENATE BILL 426

December 3, 2015 - Introduced by Senators DARLING and BEWLEY, cosponsored by Representatives HUTTON, JARCHOW, BALLWEG, BRANDTJEN, E. BROOKS, HORLACHER, JACQUE, KREMER, MURPHY, QUINN, ROHRKASTE, SUBECK and TITTL. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT to amend** 48.396 (3) (b) 1., 48.396 (3) (c) 1r., 938.396 (2m) (b) 1. and  
2             938.396 (2m) (c) 1r. of the statutes; **relating to:** the disclosure of electronic  
3             juvenile court records to a county department of human services or social  
4             services for purposes of providing intake and dispositional services.

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### *Analysis by the Legislative Reference Bureau*

This bill permits disclosure of the electronic records of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) to a county department of human services or social services (county department) for purposes of providing child welfare or juvenile justice intake or dispositional services.

Under current law, the director of state courts has established an automated information system, known as the Consolidated Court Automation Programs (CCAP), that contains information about cases filed in the circuit courts in this state, including cases filed in the juvenile courts. Records of the juvenile court, however, are confidential and may not be opened to inspection, nor may their contents be disclosed, except by an order of the juvenile court or under certain statutory exceptions, including an exception that requires a juvenile court to make information relating to a proceeding under the Children's Code or the Juvenile Justice Code that is contained in the electronic records of the juvenile court available to the Department of Children and Families, which may use or allow access to that information only for the purposes of providing child welfare or juvenile justice intake

**SENATE BILL 426**

or dispositional services. Current law permits the director of state courts to use CCAP to make that information available.

This bill requires the juvenile court to make information relating to a proceeding under the Children's Code or the Juvenile Justice Code that is contained in the electronic records of the juvenile court available to a county department, which may use or allow access to that information only for the purposes of providing child welfare or juvenile justice intake or dispositional services. The bill permits the director of state courts to use CCAP to make that information available.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 48.396 (3) (b) 1. of the statutes is amended to read:

2           48.396 (3) (b) 1. The court shall make information relating to proceedings  
3 under this chapter that is contained in the electronic records of the court available  
4 to any other court assigned to exercise jurisdiction under this chapter and ch. 938,  
5 a municipal court exercising jurisdiction under s. 938.17 (2), a court of criminal  
6 jurisdiction, a person representing the interests of the public under s. 48.09 or  
7 938.09, an attorney or guardian ad litem for a parent or child who is a party to a  
8 proceeding in a court assigned to exercise jurisdiction under this chapter or ch. 938  
9 or a municipal court, a district attorney prosecuting a criminal case, ~~or~~ the  
10 department, or a county department under s. 46.215, 46.22, or 46.23, regardless of  
11 whether the person to whom the information is transferred is a party to or is  
12 otherwise involved in the proceedings in which the electronic records containing that  
13 information were created. The director of state courts may use the circuit court  
14 automated information systems established under s. 758.19 (4) to make information  
15 contained in the electronic records of the court available as provided in this  
16 subdivision.

17           **SECTION 2.** 48.396 (3) (c) 1r. of the statutes is amended to read:

**SENATE BILL 426**

1           48.396 **(3)** (c) 1r. The department or a county department under s. 46.215,  
2           46.22, or 46.23 shall keep any information made available to the department or that  
3           county department under par. (b) 1. confidential and may use or allow access to that  
4           information only for the purpose of providing services under s. 48.06, 48.067, 48.069,  
5           938.06, 938.067, or 938.069. The department or that county department may allow  
6           that access regardless of whether the person who is allowed that access is a party to  
7           or is otherwise involved in the proceedings in which the electronic records containing  
8           that information were created.

9           **SECTION 3.** 938.396 (2m) (b) 1. of the statutes, as affected by 2015 Wisconsin  
10          Act 55, is amended to read:

11          938.396 **(2m)** (b) 1. The court shall make information relating to a proceeding  
12          under this chapter that is contained in the electronic records of the court available  
13          to any other court assigned to exercise jurisdiction under this chapter and ch. 48, a  
14          municipal court exercising jurisdiction under s. 938.17 (2), a court of criminal  
15          jurisdiction, a person representing the interests of the public under s. 48.09 or  
16          938.09, an attorney or guardian ad litem for a parent or child who is a party to a  
17          proceeding in a court assigned to exercise jurisdiction under this chapter or ch. 48  
18          or a municipal court, a district attorney prosecuting a criminal case, a law  
19          enforcement agency, the department of children and families, ~~or~~ the department of  
20          corrections, or a county department, regardless of whether the person to whom the  
21          information is disclosed is a party to or is otherwise involved in the proceedings in  
22          which the electronic records containing that information were created. The director  
23          of state courts may use the circuit court automated information systems established  
24          under s. 758.19 (4) to make information contained in the electronic records of the  
25          court available as provided in this subdivision.

