RESOLUTION R-87-15

OPPOSITION TO SENATE BILL 326/ASSEMBLY BILL 429
AFFECTING CHILD WELFARE PRACTICE

WHEREAS, Senate Bill 326/Assembly Bill 429 have been introduced by Senator Robert Cowles and Representative John Macco; and

WHEREAS, the bills relate to the referral of cases of suspected or threatened child abuse or neglect to the sheriff or police department, coordination of the investigation of those cases, and referral of those cases to the district attorney for criminal prosecution; and

WHEREAS, while on their face, the bills might seem favorable, they actually compromise child welfare best practice; and

WHEREAS, even though the legislation impacts child welfare practice, the state Department of Children and Families, Office of Children’s Mental Health, county child welfare agencies, and child advocacy organizations were not consulted on the legislation; and

WHEREAS, issues with the legislation include the following:
• Law enforcement involvement in all child welfare cases negatively impacts alternative response, community response, and other voluntary services provided to families;
• The legislation is in sharp contrast to evidence-based practice, including trauma-informed care;
• The legislation requires child welfare agencies to “coordinate in the planning and execution of the investigation” in all cases, including screened out cases in which the child welfare agency lacks statutory authority to act;
• The bills require all reports to be referred to law enforcement within 12 hours, allowing for no prioritization of cases;
• The implementation of the legislation has not been thought through, especially when it comes to confidentiality, jurisdictional issues, and the philosophical differences between law enforcement and child welfare agencies; and

WHEREAS, counties and law enforcement in most jurisdictions have a positive working relationship and have entered into Memorandums of Understanding with regard to how local agencies will respond to reports of child abuse and neglect; and

WHEREAS, counties have requested that the proponents of the legislation bring all parties impacted by the legislation together so all gain an understanding of the others’ needs; and

WHEREAS, counties believe a compromise on the legislation can be negotiated; however, such a meeting has yet to take place; and

WHEREAS, the Marathon County Public Safety and Health and Human Services Committees have met to discuss these bills with staff from the Marathon County Department of Social Services and have determined that they would have “Detrimental Local Impact” as set forth in the attached “Addendum A.”

NOW, THEREFORE, BE IT RESOLVED that the Marathon County Board of Supervisors does hereby oppose Senate Bill 326/Assembly Bill 429; and

BE IT FURTHER RESOLVED that Marathon County renews the request for a meeting of all interested parties to discuss the legislation in greater detail.
FISCAL IMPACT: The fiscal impact to the county and municipalities are unknown, and the bill does not include state funding.
ADDENDUM A

DETRIMENTAL LOCAL IMPACT

Marathon County Government asserts that the residents of Marathon County could be harmed as follows should Senate Bill 326 /Assembly Bill 429 pass and be implemented as law:

1. The new law will result in wasted public resources because the law does not allow for the prioritization of child welfare reports based on child safety threat and a measured response. For example, in Marathon County local law enforcement agencies will be required to intervene in an estimated 625 additional child welfare reports annually, more than double the current number of interventions, with little or no positive impact on child safety.

2. The new law reduces local control over child welfare response. Currently local law enforcement and child protective services in Marathon County have agreed to a memorandum of understanding which articulates when law enforcement will intervene on child welfare cases. This memorandum can be reviewed and updated regularly to meet changing local conditions and preferences. Under the new law local discretion is reduced.

3. Criminalizing the response to all child protection reports will result in both the persons who are subjects of reports and mandatory reporters being less forthcoming with critical information and less willing to participate in child welfare early prevention efforts.
STATE OF WISCONSIN

)SS.
COUNTY OF MARATHON

I, Nan Kottke, County Clerk in and for Marathon County, Wisconsin, hereby certify that the attached Resolution #R-87-15 was adopted by the Marathon County Board of Supervisors at their Adjourned Annual meeting which was held December 15, 2015.

Nan Kottke
Marathon County Clerk

SEAL