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3 **Sub. No. 1 to 2015 RES-314**

4 OPPOSING LEGISLATION THAT EXPANDS LAW ENFORCEMENT ROLE IN CHILD ABUSE
5 & NEGLECT (SUCH AS SB 326/AB 429) AND CHANGES DEFINITION OF CHILD NEGLECT
6 (SB 324/AB 431), WHICH COULD ENHANCE RACIAL INEQUITIES

7 Growing up in a safe and supportive environment is critical for children and adolescents to
8 thrive. Child-serving programs and systems must implement proven interventions that focus on
9 positive development and building lifelong family strength rather than criminalization. Dane
10 County is committed to strengthening families by addressing upstream issues that include
11 eliminating racial inequities within the criminal justice system, fostering economic development,
12 and supporting early childhood education, as well as removing other barriers to success.

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14 The Wisconsin Attorney General has proposed a package of bills ~~which have been introduced in~~
15 ~~the Legislature~~ to create "Justice for Children" within the child abuse and neglect arena. SB
16 324/AB 431 increase penalties and expand the definition of neglect to include: necessary care
17 which covers appropriate food, clothing, medical care, dental care, shelter, supervision;
18 opportunity for education; and protection from exposure to drugs. ~~As drafted, t~~These changes
19 ~~could be used seem~~ to target the low-income community and will have a disparate outcome on
20 marginalized communities.

21
22 SB 326/AB 429 requires county Child Protective Services (CPS) to report all child abuse or
23 neglect cases to the sheriff or police department, along with coordination of the investigation of
24 those cases, and referral of those cases to the district attorney for criminal prosecution. ~~The~~
25 ~~impacts include creating a fast track to the criminal justice system; discouraging responsible~~
26 ~~parties from reporting; criminalizing poverty; violating confidentiality because reporting~~
27 ~~information will be made public by law enforcement; and increased racial disparity within the~~
28 ~~criminal justice system.~~ This would include all reports received by CPS, even those that would
29 be screened out under the current system.

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31 The impacts of this change are several, including an increased (and unfunded) burden on law
32 enforcement to potentially review all cases, rather than those prioritized by trained CPS
33 professionals. The proposed changes could also result in a fast track to the criminal justice
34 system; criminalizing poverty; and increased racial disparity within the criminal justice system.
35 Additionally, the bills would endanger confidentiality that exists under current law, because
36 reporting information will be made a public record when received by law enforcement and could
37 result in a chilling effect on potential reporters.

38
39 According to Dane County Human Services, in Dane County, an African-American parent is at
40 least 7 times more likely to be referred to CPS versus a white parent. A Hispanic parent is at
41 least twice as likely to be referred to CPS versus a white parent. The neighborhoods that
42 receive the most referrals are our neighborhoods with the highest concentrations of poverty.

43
44 In Dane County, law enforcement, the district attorneys office, and CPS have an existing
45 memorandum of understanding regarding which cases referred to CPS will be shared with law
46 enforcement. The County Board appreciates the work done to arrive at this agreement and
47 encourages further collaboration among departments to ensure the safety of all children and
48 families.

49
50 Justice for children should include living in safe neighborhoods, increased access to education
51 and health care, and positive family support. The bills' focus on involving law enforcement in

52 | every single case runs contrary to Trauma Informed Practices recommended by a statewide
53 | Child Welfare Conference and promoted by First Lady Tonette Walker. Dane County supports
54 | keeping children safe utilizing proven programs and services to increase the success of all of
55 | our children.

56 |
57 | NOW THEREFORE BE IT RESOLVED that the Dane County Board of Supervisors opposes
58 | these bills' ~~proposing~~ controversial changes to child abuse and neglect laws, as well as any
59 | legislation that may result in fewer individuals making reports to Child Protective Services or that
60 | thwarts efforts to achieve racial equity;

61 |
62 | BE IT FINALLY RESOLVED that copies of this resolution will be sent to Governor Scott Walker,
63 | First Lady Tonette Walker, Eloise Anderson, Secretary, Department of Children & Families, and
64 | to the members of the Dane County Legislative Delegation.