

Sub. No. 1 to 2015 RES-314

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

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

The Wisconsin Attorney General has proposed a package of bills to create “Justice for Children” within the child abuse and neglect arena. SB 324/AB 431 increase penalties and expand the definition of neglect to include: necessary care which covers appropriate food, clothing, medical care, dental care, shelter, supervision; opportunity for education; and protection from exposure to drugs. As drafted, these changes seem to target the low-income community and will have a disparate outcome on marginalized communities.

SB 326/AB 429 requires county Child Protective Services (CPS) to report all child abuse or neglect cases to the sheriff or police department, along with coordination of the investigation of those cases, and referral of those cases to the district attorney for criminal prosecution. This would include all reports received by CPS, even those that would be screened out under the current system.

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

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

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

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

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

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

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