

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Child protection amendments.

Sponsored by: Hdraft

A BILL

for

1 AN ACT relating to juveniles; amending provisions relating  
2 to child protection, the Juvenile Court Act and children in  
3 need of supervision; amending provisions relating to  
4 multidisciplinary team and child protection teams as  
5 specified; providing access to juvenile records as  
6 specified; creating an interagency children's collaborative  
7 to review cases in which children are taken into state  
8 custody; amending requirements for the operation of the  
9 central registry for child protection cases; creating  
10 criminal offenses as specified; amending definitions;  
11 amending standards of proof as specified; requiring notice  
12 as specified; specifying duties; granting rulemaking  
13 authority; conforming provisions; repealing provisions; and  
14 providing for an effective date.

15

1 *Be It Enacted by the Legislature of the State of Wyoming:*

2

3 **Section 1.** W.S. 14-3-215 is created to read:

4

5 **14-3-215. Interagency children's collaborative.**

6

7 (a) There is created an interagency children's  
8 collaborative. The collaborative shall be composed of:

9

10 (i) The director of the department of family  
11 services, or his designee;

12

13 (ii) The director of the department of health,  
14 or his designee;

15

16 (iii) The superintendent of public instruction,  
17 or his designee;

18

19 (iv) The director of the department of workforce  
20 services, or his designee; and

21

22 (v) The governor's appointee who shall represent  
23 families receiving services from the state agencies

1 represented in paragraphs (i) through (iv) of this  
2 subsection.

3

4 (b) The department of family services shall adopt  
5 rules by July 1, 2004, to establish guidelines for review  
6 of case files of children in state custody as a result of  
7 any action commenced under this title. The rules shall be  
8 adopted by the department of family services with the  
9 advice of the departments of education, health and  
10 workforce services. In addition to providing for the  
11 review of cases and the progress made towards returning  
12 children in state custody to their homes, communities or  
13 other permanent placements, the guidelines shall provide  
14 specific processes for:

15

16 (i) Local multidisciplinary teams to present  
17 case files to the collaborative for review;

18

19 (ii) The review of cases in which more than one  
20 (1) state agency provides services to the child and his  
21 family. Guidelines developed pursuant to this paragraph  
22 shall include methods for identifying and overcoming  
23 barriers to the appropriate and timely provision of  
24 services and permanency; and

1

2 (iii) The review of statewide availability and  
3 utilization of resources for children in state custody.

4

5 **Section 2.** W.S. 14-3-201, 14-3-202(a)(intro),  
6 (ii)(intro) and (B), (ix), (x), (xi), and by creating new  
7 paragraphs (xv) through (xvii), 14-3-204(a)(ii), (iii),  
8 (iv), 14-3-205 by creating a new subsection (c),  
9 14-3-206(a) and (c)(intro), 14-3-208(a) through (d),  
10 14-3-212(a), (b) by creating new paragraphs (iii) through  
11 (v) and by renumbering (iii) and (iv) as (vi) and (vii),  
12 (c)(iii) and by creating new paragraphs (iv) and (v), by  
13 creating a new subsection (d) and by renumbering (d) as  
14 (e), 14-3-213(a), (b)(intro), (ii) and (iii), by creating a  
15 new paragraph (iv), (c), (d)(ii) and (iii) and (e),  
16 14-3-214(a), (b)(intro), by creating a new paragraph  
17 (viii), (e) and (f), 14-3-402(a)(x) and (xii)(A) and (B),  
18 (xvi)(intro) and by creating new paragraphs (xviii) through  
19 (xx) and renumbering (xviii) as (xxi), 14-3-405(a)(intro),  
20 14-3-406(a)(intro), (b), 14-3-407(a) and (c) and by  
21 creating a new subsection (d), 14-3-408(a), 14-3-409(a),  
22 (c), (d)(intro) and (i), 14-3-427(a)(intro) and (ii)  
23 through (v), (b), (c)(ii), (iv) and (v), and by creating a  
24 new paragraph (vi), (d) by creating new paragraphs (iii)

1 and (v), (e), (j) and by creating new subsections (k)  
2 through (n), 14-6-227(a)(intro) and (ii) through (v), (b),  
3 (c)(ii), (iv) and (v) and by creating a new paragraph (vi),  
4 (e) and (f), 14-6-427(a)(intro) and (ii) through (v), (b),  
5 (c)(ii), (iv) and (v), and by creating a new paragraph  
6 (vi), (e) and (j) are amended to read:

7

8 **14-3-201. Purpose.**

9

10 The purpose of W.S. 14-3-201 through ~~14-3-215~~14-3-216 is  
11 to delineate the responsibilities of the state agency,  
12 other governmental agencies or officials, professionals and  
13 citizens to intervene on behalf of a child suspected of  
14 being abused or neglected, to protect the best interest of  
15 the child, ~~or a disabled adult,~~ to further offer protective  
16 services when necessary in order to prevent any harm to the  
17 child or any other children living in the home, ~~or to a~~  
18 ~~disabled adult,~~ to protect children ~~or disabled adults~~ from  
19 abuse or neglect which jeopardize their health or welfare,  
20 to stabilize the home environment, ~~and~~ to preserve family  
21 life whenever possible and to provide permanency for the  
22 child in appropriate circumstances. The child's health,  
23 safety and welfare shall be of paramount concern in  
24 implementing and enforcing this article.

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**14-3-202. Definitions.**

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(a) As used in W.S. 14-3-201 through ~~14-3-215~~ 14-3-

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216:

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(ii) "Abuse" means inflicting or causing

8

physical or mental injury, harm or imminent danger to the

9

physical or mental health or welfare of a child other than

10

by accidental means, including abandonment, unless the

11

abandonment is a relinquishment substantially in accordance

12

with W.S. 14-11-101 through 14-11-109, excessive or

13

unreasonable ~~corporal punishment~~ discipline, malnutrition

14

or substantial risk thereof by reason of intentional or

15

unintentional neglect, and the commission or allowing the

16

commission of a sexual offense against a child as defined

17

by law:

18

19

(B) "Physical injury" means any harm to a

20

child including but not limited to disfigurement,

21

impairment of any bodily organ, skin bruising, if greater

22

~~in magnitude than minor bruising associated with reasonable~~

23

~~corporal punishment~~, bleeding, burns, fracture of any bone,

24

subdural hematoma or substantial malnutrition;

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**\*\*\*Staff Comment\*\*\***

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(x) "~~Unfounded~~ Unsubstantiated report" means any report made pursuant to W.S. 14-3-201 through 14-3-215 that, upon investigation, is not supported by ~~credible~~ a preponderance of the evidence;

(xi) "Substantiated report" means any report of child abuse or neglect made pursuant to W.S. 14-3-201 through 14-3-215 that, upon investigation, is ~~determined upon investigation that credible~~ supported by a preponderance of the evidence; ~~of the alleged abuse or neglect exists ;~~

(xv) "Collaborative" means the interagency children's collaborative created by W.S. 14-3-215;

(xvi) "Department" means the state department of family services and its local offices;

1           (xvii) "Transportation" means the provision of a  
2 means to convey the child from one place to another by the  
3 custodian or someone acting on his behalf in the  
4 performance of required duties, but does not require the  
5 state to provide incidental travel or to purchase a motor  
6 vehicle for the child's own use to travel.

7  
8  
9           **14-3-204. Duties of local child protective agency.**

10  
11           (a) The local child protective agency shall:

12  
13           (ii) Receive, assess, investigate or arrange for  
14 investigation and coordinate investigation or assessment of  
15 all reports of known or suspected child abuse or neglect;

16  
17           (iii) Within twenty-four (24) hours after  
18 notification of a suspected case of child abuse or neglect,  
19 initiate an investigation or assessment and verification of  
20 every report. A thorough investigation or assessment and  
21 report of child abuse or neglect shall be made in the  
22 manner and time prescribed by the state agency pursuant to  
23 rules and regulations adopted in accordance with the  
24 Wyoming Administrative Procedure Act. If the child



1 protective agency is denied reasonable access to a child by  
2 a parent or other persons and the agency deems that the  
3 best interest of the child so requires, it shall seek an  
4 appropriate court order by ex parte proceedings or other  
5 appropriate proceedings to see the child. ‡ The agency shall  
6 assign a report:

7  
8 (A) For investigation when allegations  
9 contained in the report indicate that criminal charges  
10 could be filed, the child appears to be in imminent danger  
11 and it is likely the child will need to be removed from the  
12 home, or the report alleges a child fatality, major injury  
13 or sexual abuse has occurred;

14  
15 (B) For assessment when the report does not  
16 meet the criteria of subparagraph (A) of this paragraph.

17  
18 (iv) If the investigation or assessment  
19 discloses that abuse or neglect is present, initiate  
20 services with the family of the abused or neglected child  
21 to assist in resolving problems that lead to or caused the  
22 child abuse or neglect. If the agency is able to  
23 substantiate a case of abuse or neglect, it shall notify  
24 the person suspected of causing the abuse or neglect of his

1 right to request a hearing pursuant to the Wyoming  
2 Administrative Procedure Act, unless a court has also found  
3 that abuse or neglect has occurred as a result of the  
4 incident under investigation;

5  
6 **14-3-205. Child abuse or neglect; persons required to**  
7 **report.**

8  
9 (c) Any person or agency who knows that a child is  
10 being or has been abused, neglected, exploited or  
11 abandoned, and knowingly fails to report in accordance with  
12 this article is guilty of a misdemeanor punishable by  
13 imprisonment for not more than one (1) year, a fine of not  
14 more than one thousand dollars (\$1,000.00), or both.

15  
16 **14-3-206. Child abuse or neglect; written report;**  
17 **statewide reporting center; documentation; costs and**  
18 **admissibility thereof.**

19  
20 (a) Reports of child abuse or neglect or of suspected  
21 child abuse or neglect made to the local child protective  
22 agency or local law enforcement agency shall be:

23

1           (i) Conveyed immediately by the agency receiving  
2 the report to the appropriate local child protective agency  
3 or local law enforcement agency. The agencies shall  
4 continue cooperating and coordinating with each other  
5 during the investigation; and

6  
7           (ii) Followed by a written report by the  
8 receiving agency confirming or not confirming the facts  
9 reported. ~~A written report may be dispensed with for good~~  
10 ~~cause shown.~~ The report shall provide to law enforcement or  
11 the local child protective agency the following, to the  
12 extent available:

13  
14                   (A) The name, age and address of the child;

15  
16                   (B) The name and address of any person  
17 responsible for the child's care;

18  
19                   (C) The nature and extent of the child's  
20 condition;

21  
22                   (D) The basis of the reporter's knowledge;

23

1                   (E) The names and conditions of any other  
2 children relevant to the report;

3

4                   (F) Any evidence of previous injuries to  
5 the child;

6

7                   (G) Photographs, videos and x-rays with the  
8 identification of the person who created the evidence and  
9 the date the evidence was created; and

10

11                   (H) Any other relevant information.

12

13           (c) Any person investigating, examining or treating  
14 suspected child abuse or neglect may document evidence of  
15 child abuse or neglect to the extent allowed by law by  
16 having photographs taken or causing x-rays to be made of  
17 the areas of trauma visible on a child who is the subject  
18 of the report or who is subject to a report. The reasonable  
19 cost of the photographs or x-rays shall be reimbursed by  
20 the appropriate local child protective agency. All  
21 photographs, x-rays or copies thereof shall be sent to the  
22 local child protective agency, admissible as evidence in  
23 any civil proceeding relating to child abuse or neglect,  
24 and shall state:

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**14-3-208. Temporary protective custody; order; time limitation; remedial health care.**

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(a) When a ~~physician treating a child or a medical staff member of a hospital in which a child is being treated has reasonable cause to believe there exists an imminent danger to the child's life or safety unless the child~~ is taken into temporary protective custody ~~and there is not time to apply for a court order, the child may be taken into temporary protective custody without a warrant or court order and without the consent of the parents, guardians or others exercising temporary or permanent control over the child. Any person taking a child into temporary protective custody pursuant to W.S. 14-3-405(a) through (c), the person, agency or court taking custody~~ shall ~~as soon as possible~~ immediately notify the ~~appropriate local child protective agency. Upon notification, the local child protective agency shall initiate an investigation of the notification and make every reasonable effort to inform the parent or other person responsible for the child's welfare that the child has been taken into temporary protective custody.~~ department of family services office and place or transfer

1 temporary protective custody to the local department of  
2 family services office as soon as practicable. The local  
3 department of family services office shall:

4  
5 (i) Accept physical custody of the child;

6  
7 (ii) Arrange for care and supervision of the  
8 child in the most appropriate and least restrictive setting  
9 necessary to meet the child's needs, including foster homes  
10 or other child care facilities certified by the department  
11 or approved by the court. When it is in the best interest  
12 of the child, the department may place the child with the  
13 child's noncustodial birth parent or with the child's  
14 extended family, including adult siblings, grandparents,  
15 great-grandparents, aunts or uncles. Prior to approving  
16 placement with the child's noncustodial birth parent or  
17 extended family, the department shall investigate whether  
18 anyone living in the home has been convicted of a crime  
19 involving serious harm to children or has a substantiated  
20 case listed on the central registry established pursuant to  
21 W.S. 14-3-213. The department may leave the child in the  
22 care of a physician or hospital when necessary to ensure  
23 the child receives proper care. A neglected child shall not

1 be placed in a jail or detention facility other than for a  
2 delinquent act;

3  
4 (iii) Initiate an investigation of the  
5 allegations and make every reasonable effort to inform the  
6 parent or other person responsible for the child's welfare  
7 that the child has been taken into temporary protective  
8 custody; and

9  
10 (iv) Assess the child's mental and physical needs,  
11 provide for the child's ordinary and emergency medical care  
12 and seek emergency court authorization for any  
13 extraordinary medical care that is needed prior to the  
14 shelter care hearing.

15  
16 ~~(b) Any district court judge, district court~~  
17 ~~commissioner or justice of the peace may issue a~~ The  
18 department shall promptly notify the court and the district  
19 attorney of any child taken into temporary protective  
20 custody ~~order upon finding that a child's life or safety is~~  
21 ~~in danger. That order may be requested by the state agency,~~  
22 ~~the local child protective agency, a local law enforcement~~  
23 ~~officer, an administrator of a hospital in which a child~~  
24 ~~reasonably believed to have been abused or neglected is~~

1 ~~being treated or any physician who reasonably believes a~~  
2 ~~child has been abused or neglected, whether or not~~  
3 ~~additional medical treatment is required, and that the~~  
4 ~~child, by continuing in his place of residence or in the~~  
5 ~~care and custody of the person responsible for his welfare,~~  
6 ~~would be in imminent danger of his life or health. The~~  
7 ~~local child protective agency shall be notified of the~~  
8 order and placed in its care pursuant to W.S. 14-3-405  
9 without a court order and shall deliver the child to the  
10 court upon request.

11  
12 (c) Temporary protective custody shall not exceed  
13 ~~seventy-two (72)~~ forty-eight (48) hours, excluding weekends  
14 and legal holidays.

15  
16 (d) When ~~necessary for the best interest or welfare~~  
17 ~~of a child, a~~ the court ~~may order medical or nonmedical~~  
18 ~~remedial health care notwithstanding the absence of a prior~~  
19 ~~finding of child abuse or neglect.~~ orders the child into  
20 the legal custody of the department pursuant to W.S.  
21 14-3-409(d) or 14-3-429, the department shall:

22  
23 (i) Accept legal custody of the child;  
24



1           (ii) Continue or arrange for, care,  
2 transportation and supervision of the child as provided in  
3 paragraph (a)(ii) of this section;

4  
5           (iii) Participate in multidisciplinary team  
6 meetings to develop treatment recommendations for the  
7 child;

8  
9           (iv) Arrange for the provision of the education  
10 of the child, including participation in individualized  
11 education planning if the child is receiving special  
12 education services;

13  
14           (v) Assess the child's mental and physical  
15 health needs, provide for the child's ordinary and  
16 emergency medical care;

17  
18           (vi) Perform any other duties ordered by the court  
19 relating to the care or custody of the child.

20  
21           **14-3-212. Child protection teams; creation;**  
22 **composition; duties; records confidential.**

23

1           (a) The state agency and the local child protective  
2 agency shall encourage and assist in the creation of  
3 ~~multi-disciplinary~~ child protection teams within the  
4 communities in the state. The purposes of the child  
5 protection teams shall be to identify or develop community  
6 resources to serve abused and neglected children within the  
7 community, to advocate for improved services or procedures  
8 for such children and to provide information and assistance  
9 to multidisciplinary teams, if a multidisciplinary team has  
10 been appointed. The department may promulgate reasonable  
11 rules and regulations in accordance with the Wyoming  
12 Administrative Procedure Act to govern the roles and  
13 procedures of child protection teams.

14

15           (b) The local child protection team shall be composed  
16 of:

17

18                   (iii) A representative from the local field  
19 office of the department of family services;

20

21                   (iv) A representative from the county  
22 government;

23

1           (v) A representative from each city and town in  
2 the county;

3

4           ~~(iii)~~ (vi) Representatives from other relevant  
5 professions; and

6

7           ~~(iv)~~ (vii) Temporary members selected for the needs of  
8 a particular case as determined by the team.

9

10           (c) The local child protection team may:

11

12           (iii) ~~Provide an adequate treatment plan~~  
13 Coordinate the provision of appropriate services for the  
14 abused and neglected child and his family~~;~~

15

16           (iv) Identify or develop community resources to  
17 serve abused and neglected children and advocate for  
18 improved services and procedures for such children; and

19

20           (v) Identify training needs, sponsor training  
21 and raise community awareness of child protection issues.

22

23           (d) The local child protection team shall not act as  
24 the multidisciplinary team, but members of the child

1 protection team may serve on the multidisciplinary team if  
2 appointed pursuant to W.S. 14-3-427.

3  
4 ~~(d)~~(e) All records and proceedings of the child  
5 protection teams are subject to W.S. 14-3-214.

6  
7 **14-3-213. Central registry of child protection cases;**  
8 **establishment; operation; amendment, expungement or removal**  
9 **of records; classification and expungement of reports;**  
10 **statement of person accused.**

11  
12 (a) The state agency shall establish and maintain  
13 ~~within the statewide~~ a record of all child protection  
14 ~~center reports and~~ a central registry of child protection  
15 cases in accordance with W.S. 42-2-111.

16  
17 (b) ~~Through the recording of reports, the central~~  
18 ~~registry~~ The state agency's recordkeeping system shall be  
19 operated to enable the ~~center~~ state agency to:

20  
21 (ii) Continuously monitor the current status of  
22 all pending child protection cases; ~~and~~

23

1 (iii) Regularly evaluate the effectiveness of  
2 existing laws and programs through the development and  
3 analysis of statistical and other information;~~;~~and

4  
5 (iv) Maintain a central registry of  
6 "substantiated" and "under investigation" cases of child  
7 abuse or neglect for provision of information to qualifying  
8 applicants pursuant to W.S. 14-3-214(f).

9  
10 (c) ~~With the approval of the local child protective~~  
11 ~~agency,~~Upon good cause shown and upon notice to the  
12 subject of the report, the state agency may list, amend,  
13 expunge or remove any record from the central registry in  
14 accordance with rules and regulations adopted by the state  
15 agency.

16  
17 (d) All reports of child abuse or neglect contained  
18 within the central registry shall be classified in one (1)  
19 of the following categories:

20  
21 (ii) "~~Founded~~ Substantiated"; or

22  
23 (iii) "~~Closed~~ Unsubstantiated."

24

1           (e) ~~Within six (6) months any report~~ All reports  
2 classified as "under investigation" shall be reclassified  
3 as "~~founded~~ substantiated" or "~~closed~~ unsubstantiated"  
4 depending upon the results of ~~the~~ an investigation or  
5 criminal prosecution. ~~Unfounded~~ Unsubstantiated reports  
6 shall be expunged from the central registry.

7

8           **14-3-214. Confidentiality of records; penalties;**  
9 **access to information; attendance of school officials at**  
10 **interviews; access to central registry records pertaining**  
11 **to child protection cases.**

12

13           (b) Applications for access to records concerning  
14 child abuse or neglect contained in the state agency or  
15 local child protective agency shall be made in the manner  
16 and form prescribed by the state agency. Upon appropriate  
17 application, the state agency shall give access to any of  
18 the following persons or agencies for purposes directly  
19 related with the administration of W.S. 14-3-201 through  
20 ~~14-3-215~~ 14-3-216:

21

22                   (viii) An education or mental health  
23 professional serving the child, if the state agency

1 determines the information is necessary to provide  
2 appropriate educational or therapeutic interventions.

3  
4 (f) Upon appropriate application, the state  
5 agency shall provide to any chapter of a nationally  
6 recognized youth organization, child caring facility  
7 certified under W.S. 14-4-101 et seq., public or private  
8 school or state institution for employee or volunteer  
9 screening purposes a summary of records maintained under  
10 department of family services rules since December 31,  
11 1986, concerning child abuse involving a named individual  
12 or confirm that no "substantiated" or "under investigation"  
13 records exist. The applicant shall submit a fee of ten  
14 dollars (\$10.00) and proof satisfactory to the state agency  
15 that the prospective or current employee or volunteer whose  
16 records are being checked consents to the release of the  
17 information to the applicant. Central registry screening  
18 shall be limited to "substantiated" or "under  
19 investigation" reports of child abuse and neglect in which  
20 opportunities for due process have been exhausted under the  
21 Wyoming Administrative Procedure Act including an appeal  
22 through the district court level. The applicant shall use  
23 the information received only for purposes of screening  
24 prospective employees and volunteers who may, through their

1 employment or volunteer services, have unsupervised access  
2 to minors. Applicants, their employees or other agents  
3 shall not otherwise divulge or make public any information  
4 received under this section. The state agency shall notify  
5 any applicant receiving a report under this section that a  
6 prospective employee is under investigation, of the final  
7 disposition of that investigation or whether an appeal is  
8 pending. The state agency shall notify any applicant  
9 receiving information under this subsection of any  
10 subsequent reclassification of the information pursuant to  
11 W.S. 14-3-213(e). The state agency shall screen all  
12 prospective agency employees in conformity with the  
13 procedure provided under this subsection.

14

15 **14-3-402. Definitions.**

16

17 (a) As used in this act:

18

19 (x) "Legal custody" means a legal status created  
20 by court order which vests in a custodian the right to have  
21 physical custody of a minor, the right and duty to protect,  
22 train and discipline a minor, the duty to provide him with  
23 food, shelter, clothing, transportation, ordinary medical  
24 care, education and in an emergency, the right and duty to



1 authorize surgery or other extraordinary medical care. The  
2 rights and duties of legal custody are subject to the  
3 rights and duties of the guardian of the person of the  
4 minor, and to residual parental rights and duties;

5  
6 (xii) "Neglected child" means a child:

7  
8 (A) ~~Whose custodian~~ Who has ~~failed or~~  
9 ~~refused to provide adequate care, maintenance, supervision,~~  
10 ~~education or medical, surgical or any other care necessary~~  
11 ~~for the child's well being~~ been subjected to neglect as  
12 defined in W.S. 14-3-202(a)(vii);

13  
14 (B) Who has ~~been abused by the inflicting~~  
15 ~~or causing of physical or mental injury, harm or imminent~~  
16 ~~danger to the physical or mental health or welfare of the~~  
17 ~~child, other than by accidental means, including~~  
18 ~~abandonment, excessive or unreasonable corporal punishment,~~  
19 ~~malnutrition or substantial risk thereof by reason of~~  
20 ~~intentional or unintentional neglect, and the commission or~~  
21 ~~allowing the commission of a sexual offense against a child~~  
22 ~~as defined by law~~ been subjected to abuse as defined in  
23 W.S. 14-3-202(a)(ii):

24

1           (xvi) "Residual parental rights and duties"  
2 means those rights and duties remaining with the parents  
3 after legal custody, guardianship of the person or both  
4 have been vested in another person, agency or institution.  
5 Residual parental rights and duties include but are not  
6 limited to:

7  
8           (xviii) "Ordinary medical care" means medical,  
9 dental and vision examinations, routine medical, dental and  
10 vision treatment and emergency surgical procedures, but  
11 does not include nonemergency surgical procedures;

12  
13           (xix) "Temporary protective custody" means a  
14 legal status created prior to a shelter care hearing when a  
15 court, law enforcement officer, physician, physician's  
16 assistant or nurse practitioner takes a child into  
17 protective custody pursuant to W.S. 14-3-405. Temporary  
18 protective custody vests in a custodian the duty to protect  
19 the child and arrange for the provision of food, shelter,  
20 clothing, transportation, ordinary medical care and  
21 education. Temporary protective custody shall be  
22 transferred from the law enforcement officer, physician,  
23 physician's assistant or nurse practitioner to the local  
24 child protection agency as soon as practicable to

1 facilitate such care. Temporary protective custody divests  
2 the parent or custodian of his right to the custody and  
3 control of the child;

4  
5 (xx) "Transportation" means as defined in W.S.  
6 14-3-202(a) (xvii);

7  
8 ~~(xviii)~~ (xxi) "This act" means W.S. 14-3-401  
9 through 14-3-440.

10  
11 **14-3-405. Taking of child into custody; when**  
12 **permitted.**

13  
14 (a) A child may be taken into custody by a law  
15 enforcement officer without a warrant or court order and  
16 without the consent of the parents, guardians or others  
17 exercising temporary or permanent control over the child  
18 when:

19  
20 (b) A child may be taken into temporary protective  
21 custody by a physician, physician's assistant or nurse  
22 practitioner without a warrant or court order and without  
23 the consent of the parents, guardians or others exercising  
24 temporary or permanent control over the child when the

1 physician, physician's assistant or nurse practitioner  
2 treating the child, or a hospital in which the child is  
3 being treated, finds that there are reasonable grounds to  
4 believe an imminent danger to the child's life, health or  
5 safety exists unless the child is taken into protective  
6 custody, whether or not additional medical treatment is  
7 required, and there is not time to apply for a court order.

8  
9 (c) A district attorney may file an emergency  
10 petition, or the state agency, a local law enforcement  
11 officer, an administrator of a hospital in which a child  
12 reasonably believed to have been abused or neglected is  
13 being treated, or any physician, physician's assistant or  
14 nurse practitioner who treated the child may request the  
15 court for a protective order. After considering the  
16 emergency petition or request, the judge or commissioner  
17 who reasonably finds a child has been abused or neglected  
18 and that the child, by continuing in his place of residence  
19 or in the care and custody of the person responsible for  
20 his health, safety and welfare, would be in imminent danger  
21 of his life, health or safety, may:

22  
23 (i) Issue an ex parte order or search warrant  
24 upon finding there is reasonable cause to believe that a

1 child's life or safety is in danger. The order shall place  
2 the child in the temporary protective custody of the local  
3 child protection agency;

4  
5 (ii) Issue an emergency order or search warrant  
6 upon application and hearing, authorizing ordinary or  
7 emergency care of the child or authorizing a forensic  
8 examination to collect evidence.

9  
10 (d) Temporary protective custody shall not exceed  
11 forty-eight (48) hours, excluding weekends and legal  
12 holidays.

13  
14 (e) When necessary for the best interest or welfare  
15 of the child, a court may order medical or nonmedical  
16 remedial health care notwithstanding the absence of a prior  
17 finding of child abuse or neglect.

18  
19 **\*\*\*Staff Comment\*\*\***

20 Subsection (c) has been changed since the Select  
21 Committee reviewed this subsection. The change in  
22 the introductory paragraph is an attempt to  
23 clarify an otherwise very unclear provision.  
24 Further refinement of the language may be  
25 necessary. Paragraph (i) of the section also  
26 contains some redundant language in italics.  
27

1           **14-3-406. Child in custody; no shelter care placement**  
2 **without court order; exceptions; notice to parent or**  
3 **guardian; release.**

4  
5           (a) A child taken into temporary protective custody  
6 shall not be placed in shelter care without a court order  
7 unless shelter care is required to:

8  
9           (b) Any person taking a child into temporary  
10 protective custody under this article shall as soon as  
11 possible notify the child's parent, guardian or custodian.  
12 Unless the child's shelter care is authorized by court  
13 order or required for one (1) of the reasons in subsection  
14 (a) of this section, the child shall be released to the  
15 care of his parent, guardian, custodian or other  
16 responsible adult upon that person's written promise to  
17 present the child before the court upon request.

18  
19           **14-3-407. Shelter care; delivery of child pending**  
20 **hearing; placing children; notice if no court order.**

21  
22           (a) If shelter care of a child appears necessary to  
23 the person taking custody of the child, the child shall be  
24 delivered as soon as possible to the court or to the

1 ~~shelter care facility designated by the court~~ department of  
2 family services pending a hearing.

3  
4 (c) The ~~person in charge of any shelter care facility~~  
5 department of family services shall promptly notify the  
6 court and the district attorney of any child being cared  
7 for ~~at the facility by the department~~ without a court order  
8 and shall deliver the child to the court upon request.

9  
10 (d) The department of family services shall care for  
11 the child under this section pursuant to temporary  
12 protective custody provisions as specified in W.S.  
13 14-3-208.

14  
15 **14-3-408. Notice of shelter care to be given district**  
16 **attorney; written statement required; duty of district**  
17 **attorney.**

18  
19 (a) When a child is taken into temporary protective  
20 custody without a court order and is placed in shelter care  
21 pursuant to W.S. 14-3-405(a) or (b), the person or agency  
22 taking temporary protective custody of the child shall  
23 notify the district attorney without delay. Also the person  
24 shall as soon as possible file a brief written statement

1 with the district attorney setting forth the facts which  
2 led to taking the child into custody and the reason why the  
3 child was not released.

4

5

**\*\*\*Staff Comment\*\*\***

6 W.S. 14-3-409 was amended in 04LSO-0081.W1, as  
7 well as in this bill. The motion made in the  
8 Select Committee meeting in the afternoon of  
9 August 15 was to amend the statute to read in  
10 this bill as it had been amended earlier in  
11 04LSO-0081.W1. To avoid this section potentially  
12 being amended differently in the two bills during  
13 the budget session, if both bills are introduced,  
14 W.S. 14-6-409 has been removed from this bill and  
15 has been amended in the other bill as the Select  
16 Committee directed.

17

18 **14-3-427. Predisposition studies and reports.**

19

20 (a) After a petition is filed, the court shall order  
21 the department of family services to ~~make~~ screen the child  
22 to identify pertinent conditions or risk factors within  
23 five (5) business days of the filing of the petition and to  
24 prepare a predisposition study and report. The court shall  
25 establish a deadline for completion of the report. The  
26 screening may be used to assist in appointing appropriate  
27 multidisciplinary team members. While preparing the study  
28 the department shall consult with the child's school and



1 school district to determine the child's educational needs.

2 The screening, study and report shall also cover:

3

4 (ii) The performance of the child in school,  
5 including whether the child receives special education  
6 services and how his goals and objectives might be impacted  
7 by the court's disposition, provided the school receives  
8 authorization to share the information;

9

10 (iii) The presence of child abuse and neglect or  
11 domestic violence histories, past acts of violence,  
12 learning disabilities, cognitive disabilities or physical  
13 impairments and ~~past acts of violence~~ the necessary  
14 services to accommodate the disabilities;

15

16 (iv) The presence of any mental health or  
17 substance abuse ~~history~~ risk factors, including current  
18 participation in ~~mental health~~ counseling, therapy or  
19 treatment; and

20

21 (v) Other matters relevant to treatment of the  
22 child, including any pertinent family information, or  
23 proper disposition of the case, including any information  
24 required by W.S. 21-13-315(d).

1

2 (b) Within ten (10) days after a petition is filed  
3 alleging a child is neglected, the court shall appoint a  
4 multidisciplinary team. The multidisciplinary team shall  
5 operate in accordance with the protocol established under  
6 W.S. 14-3-215. Upon motion by a party, the court may add or  
7 dismiss a member of the multidisciplinary team.

8

9 (c) The multidisciplinary team shall include the  
10 following:

11

12 (ii) A representative of the school district who  
13 has direct knowledge of the child and, if the child  
14 receives special education, is a member of the child's  
15 individualized education plan team;

16

17 (iv) The child's psychiatrist, psychologist or  
18 mental health professional; ~~and~~

19

20 (v) The district attorney or his designee; ~~;~~

21

22 (vi) The child's attorney or guardian ad litem,  
23 if one is appointed by the court; and

24

1           (vii) The volunteer lay advocate, if one is  
2 appointed by the court.

3  
4           (d) In addition to the persons listed in subsection  
5 (c) of this section, the court may appoint one (1) or more  
6 of the following persons to the multidisciplinary team:

7  
8           (iii) the child;

9  
10          (iv) The foster parent, a relative or guardian;

11  
12          (v) If the screening or predispositional study  
13 indicates a parent or child has special needs, an  
14 appropriate representative of the department of health's  
15 substance abuse, mental health or developmental  
16 disabilities division who has knowledge of the services  
17 available in the state's system of care that are pertinent  
18 to those identified needs;

19  
20          ~~(iii)~~ (v) Other professionals or persons who have  
21 particular knowledge relating to the child or his family,  
22 or expertise in children's services and the child's or  
23 parent's specific disability or special needs, including  
24 linguistic and cultural needs.

1

2 (e) The multidisciplinary team shall, in accordance  
3 with rules and regulations promulgated by the department of  
4 family services, review the child's personal and family  
5 history, school records, mental health records and  
6 department of family services records and any other  
7 pertinent information, for the purpose of making case  
8 planning recommendations. Team members shall provide copies  
9 of their records and information necessary for the  
10 multidisciplinary team to conduct the review. The court  
11 shall order the release of the records or order the parent  
12 to sign a release of information authorizing the  
13 multidisciplinary team to access and review records  
14 protected by federal and state law, including but not  
15 limited to substance abuse and domestic violence records.  
16 To the extent appropriate, the team shall involve the child  
17 in the development of the recommendations.

18

19 (j) Any member of a multidisciplinary team who cannot  
20 personally attend team meetings may submit reports and  
21 recommendations to the other team members and to the court.  
22 Individuals who are not members of the multidisciplinary  
23 team but have knowledge pertinent to the team's decisions  
24 may be asked to provide information to the

1 multidisciplinary team. Such individuals shall be bound by  
2 the confidentiality provisions of subsection (g) of this  
3 section.

4  
5 (k) If the child is placed outside the home, the  
6 multidisciplinary team shall meet quarterly to review the  
7 child's and the family's progress toward meeting the goals  
8 or expectations in the case plan and the multidisciplinary  
9 team shall provide a written report with recommendations to  
10 the court prior to each review hearing.

11  
12 (m) No later than five (5) business days prior to the  
13 dispositional hearing, the multidisciplinary team shall  
14 file with the court the predispositional report which shall  
15 include the multidisciplinary team's recommendations and  
16 case plan in a standard format established by the  
17 department.

18  
19 (n) Five (5) business days prior to each review  
20 hearing, the multidisciplinary team shall file with the  
21 court a report updating the predispositional report, the  
22 multidisciplinary team's recommendations and the case plan.

23  
24 **14-6-227. Predisposition studies and reports.**

1

2 (a) After a petition is filed, the court shall order  
3 the department to ~~make~~ screen the child to identify  
4 pertinent conditions or risk factors within five (5)  
5 business days of the filing of the petition and to prepare  
6 a predisposition study and report. The court shall  
7 establish a deadline for completion of the report. The  
8 screening may be used to assist in appointing appropriate  
9 multidisciplinary team members. While preparing the study  
10 the department shall consult with the child's school and  
11 school district to determine the child's educational needs.  
12 The screening, study and report shall also cover:

13

14 (ii) The performance of the child in school,  
15 including whether the child receives special education  
16 services and how his goals and objectives might be impacted  
17 by the court's disposition, provided the school receives  
18 authorization to share the information;

19

20 (iii) The presence of child abuse and neglect or  
21 domestic violence histories, past acts of violence,  
22 learning disabilities, cognitive disabilities or physical  
23 impairments and ~~past acts of violence~~ the necessary  
24 services to accommodate the disabilities;

1

2 (iv) The presence of any mental health or  
3 substance abuse ~~history~~risk factors, including current  
4 participation in ~~mental health~~ counseling, therapy or  
5 treatment; and

6

7 (v) Other matters relevant to the child's  
8 present status as a delinquent, including any pertinent  
9 family information, treatment of the child or proper  
10 disposition of the case, including any information required  
11 by W.S. 21-13-315(d).

12

13

14 (b) Within ten (10) days after a petition is filed  
15 alleging a child is delinquent, the court shall appoint a  
16 multidisciplinary team. The multidisciplinary team shall  
17 operate in accordance with the protocol established under  
18 W.S. 14-3-215. Upon motion by a party, the court may add or  
19 dismiss a member of the multidisciplinary team.

20

21 (c) The multidisciplinary team shall include the  
22 following:

23

1           (ii) A representative of the school district who  
2 has direct knowledge of the child and, if the child  
3 receives special education, is a member of the child's  
4 individualized education plan team;

5

6           (iv) The child's psychiatrist, psychologist or  
7 mental health professional; ~~and~~

8

9           (v) The district attorney or his designee; ~~—~~

10

11           (vi) The child's attorney or guardian ad litem,  
12 if one is appointed by the court; and

13

14           (vii) The volunteer lay advocate, if one is  
15 appointed by the court.

16

17           (d) In addition to the persons listed in subsection  
18 (c) of this section, the court may appoint one (1) or more  
19 of the following persons to the multidisciplinary team:

20

21           (iii) the child;

22

23           (iv) The foster parent, a relative or guardian;

24



1           (v) If the screening or predispositional study  
2 indicates a parent or child has special needs, an  
3 appropriate representative of the department of health's  
4 substance abuse, mental health or developmental  
5 disabilities division who has knowledge of the services  
6 available in the state's system of care that are pertinent  
7 to those identified needs;

8  
9           ~~(iii)~~ (vi) Other professionals or persons who  
10 have particular knowledge relating to the child or his  
11 family, or expertise in children's services and the child's  
12 or parent's specific disability or special needs, including  
13 linguistic and cultural needs.

14  
15           (e) The multidisciplinary team shall, as quickly as  
16 reasonably possible and in accordance with rules and  
17 regulations promulgated by the department of family  
18 services, review the child's personal and family history,  
19 school, mental health and department of family services  
20 records and any other pertinent information, for the  
21 purpose of making sanction recommendations. The team shall  
22 involve the child in the development of recommendations to  
23 the extent appropriate. The team members shall provide  
24 their records relating to the child with other members of

1 the team. The court shall order the parent or legal  
2 guardian to authorize release of all records the court  
3 finds appropriate to enable the team to review all  
4 pertinent information relating to the child or his family.

5  
6 (f) The multidisciplinary team shall formulate  
7 written recommendations consistent with the purposes of  
8 this act.

9  
10 (j) Any member of a multidisciplinary team who cannot  
11 personally attend team meetings may submit reports and  
12 recommendations to the other team members and to the court.  
13 Individuals who are not members of the multidisciplinary  
14 team but have knowledge pertinent to the team's decisions  
15 may be asked to provide information to the  
16 multidisciplinary team. Such individuals shall be bound by  
17 the confidentiality provisions of subsection (g) of this  
18 section.

19  
20 (k) The department shall develop a case plan for a  
21 juvenile when there is a recommendation to place the child  
22 outside the home.

23

1       (m) If the child is placed outside the home, the  
2 multidisciplinary team shall meet quarterly to review the  
3 child's and the family's progress toward meeting the goals  
4 or expectations in the case plan and the multidisciplinary  
5 team shall provide a written report with recommendations to  
6 the court prior to each review hearing.

7  
8       (n) No later than five (5) business days prior to the  
9 dispositional hearing, the multidisciplinary team shall  
10 file with the court the predispositional report which shall  
11 include the multidisciplinary team's recommendations and  
12 case plan in a standard format established by the  
13 department.

14  
15       (o) Five (5) business days prior to each review  
16 hearing, the multidisciplinary team shall file with the  
17 court a report updating the predispositional report, the  
18 multidisciplinary team's recommendations and the case plan.

19  
20       **14-6-427. Predisposition studies and reports.**

21  
22       (a) After a petition is filed, the court shall order  
23 the department of family services to ~~make~~ screen the child  
24 to identify pertinent conditions or risk factors within

1 five (5) business days of the filing of the petition and to  
2 prepare a predisposition study and report. The court shall  
3 establish a deadline for completion of the report. The  
4 screening may be used to assist in appointing appropriate  
5 multidisciplinary team members. While preparing the study  
6 the department shall consult with the child's school and  
7 school district to determine the child's educational needs.  
8 The screening, study and report shall also cover:

9  
10 (ii) The performance of the child in school,  
11 including whether the child receives special education  
12 services and how his goals and objectives might be impacted  
13 by the court's disposition, provided the school receives  
14 authorization to share the information;

15  
16 (iii) The presence of child abuse and neglect or  
17 domestic violence histories, past acts of violence,  
18 learning disabilities, cognitive disabilities or physical  
19 impairments and ~~past acts of violence~~ the necessary  
20 services to accommodate the disabilities;

21  
22 (iv) The presence of any mental health or  
23 substance abuse ~~history~~ risk factors, including current

1 participation in ~~mental—health~~ counseling, therapy or  
2 treatment; and

3

4 (v) Other matters relevant to treatment of the  
5 child, including any pertinent family information, or  
6 proper disposition of the case, including any information  
7 required by W.S. 21-13-315(d).

8

9 (b) Within ten (10) days after a petition is filed  
10 alleging a child is in need of supervision, the court shall  
11 appoint a multidisciplinary team. The multidisciplinary  
12 team shall operate in accordance with the protocol  
13 established under W.S. 14-3-215. Upon motion by a party,  
14 the court may add or dismiss a member of the  
15 multidisciplinary team.

16

17 (c) The multidisciplinary team shall include the  
18 following:

19

20 (ii) A representative of the school district who  
21 has direct knowledge of the child and, if the child  
22 receives special education, is a member of the child's  
23 individualized education plan team;

24

1 (iv) The child's psychiatrist, psychologist or  
2 mental health professional; ~~and~~

3  
4 (v) The district attorney or his designee; ~~and~~ and

5  
6 (vi) The child's attorney or guardian ad litem,  
7 if one is appointed by the court; and

8  
9 (vii) The volunteer lay advocate, if one is  
10 appointed by the court.

11  
12 (d) In addition to the persons listed in subsection  
13 (c) of this section, the court may appoint one (1) or more  
14 of the following persons to the multidisciplinary team:

15  
16 (iii) the child;

17  
18 (iv) The foster parent, a relative or guardian;

19  
20  
21 (v) If the screening or predispositional study  
22 indicates a parent or child has special needs, an  
23 appropriate representative of the department of health's  
24 substance abuse, mental health or developmental

1 disabilities division who has knowledge of the services  
2 available in the state's system of care that are pertinent  
3 to those identified needs;

4  
5 ~~(iii)~~ (vi) Other professionals or persons who  
6 have particular knowledge relating to the child or his  
7 family, or expertise in children's services and the child's  
8 or parent's specific disability or special needs, including  
9 linguistic and cultural needs.

10  
11 (e) The multidisciplinary team shall, as quickly as  
12 reasonably possible and in accordance with rules and  
13 regulations promulgated by the department of family  
14 services, review the child's personal and family history,  
15 school, mental health and department of family services  
16 records and any other pertinent information, for the  
17 purpose of making case planning recommendations. The team  
18 shall involve the child in the development of  
19 recommendations to the extent appropriate. The team  
20 members shall provide their records relating to the child  
21 with other members of the team. The court shall order the  
22 parent or legal guardian to authorize release of all  
23 records the court finds appropriate to enable the team to

1 review all pertinent information relating to the child or  
2 his family.

3

4 (j) Any member of a multidisciplinary team who cannot  
5 personally attend team meetings may submit reports and  
6 recommendations to the other team members and to the court.

7 Individuals who are not members of the multidisciplinary  
8 team but have knowledge pertinent to the team's decisions  
9 may be asked to provide information to the  
10 multidisciplinary team. Such individuals shall be bound by  
11 the confidentiality provisions of subsection (g) of this  
12 section.

13

14 (k) The department shall develop a case plan for a  
15 juvenile when there is a recommendation to place the child  
16 outside the home.

17

18 (m) If the child is placed outside the home, the  
19 multidisciplinary team shall meet quarterly to review the  
20 child's and the family's progress toward meeting the goals  
21 or expectations in the case plan and the multidisciplinary  
22 team shall provide a written report with recommendations to  
23 the court prior to each review hearing.

24



1       (n) No later than five (5) business days prior to the  
2 dispositional hearing, the multidisciplinary team shall  
3 file with the court the predispositional report which shall  
4 include the multidisciplinary team's recommendations and  
5 case plan in a standard format established by the  
6 department.

7  
8       (o) Five (5) business days prior to each review  
9 hearing, the multidisciplinary team shall file with the  
10 court a report updating the predispositional report, the  
11 multidisciplinary team's recommendations and the case plan.

12  
13       **Section 3.** W.S. 14-3-215 as 14-3-216 is amended and  
14 renumbered to read:

15  
16       ~~14-3-215.~~ 14-3-216. **Other laws not superseded.**

17  
18 No laws of this state are superseded by the provisions of  
19 W.S. 14-3-201 through ~~14-3-215~~ 14-3-216.

20  
21       **Section 4.** W.S. 14-3-203(a)(iv), 14-3-212(c)(ii),  
22 14-3-402(a)(xii)(B)(I) through (IV), 14-3-407(b), 14-3-  
23 427(d)(i) and (ii), 14-6-227(d)(i) and (ii) and 14-6-  
24 427(d)(i) and (ii) are repealed.

1

2

**Section 5.**

3

4

5

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2004.

6

7

8

9

10

(b) W.S. 14-3-215(b), as created by this act, is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

11

**\*\*\*Staff Comment\*\*\***

12

13

14

15

16

17

18

The effective date of the bill was changed after the Select Committee reviewed the bill because W.S. 14-3-215(b) requires DFS to promulgate rules by July 1, 2004. To allow promulgation of the rules by that date, it is necessary to make that requirement effective in advance of that date.

19

(END)