

**WORKING DRAFT**

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

Child protection amendments-05.

Sponsored by: Joint Judiciary Interim Committee

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 duties of the department of family  
9 services; amending definitions; amending standards of proof  
10 as specified; requiring notice as specified; specifying  
11 duties; granting rulemaking authority; conforming  
12 provisions; repealing provisions; and providing for an  
13 effective date.

14

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

1

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

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4       **14-3-215. Interagency children's collaborative.**

5

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

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

11

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

14

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

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

20

21               (v) The governor's appointee who shall represent  
22 families receiving services from the state agencies  
23 represented in paragraphs (i) through (iv) of this  
24 subsection.

1

2 (b) The department of family services shall adopt  
3 rules by July 1, 2005, to establish guidelines for review  
4 of case files of children in state custody as a result of  
5 any action commenced under this title. The rules shall be  
6 adopted by the department of family services with the  
7 advice of the departments of education, health and  
8 workforce services. In addition to providing for the  
9 review of cases and the progress made towards returning  
10 children in state custody to their homes, communities or  
11 other permanent placements, the guidelines shall provide  
12 specific processes for:

13

14 (i) Local multidisciplinary teams to present  
15 case files to the collaborative for review;

16

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

23

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

3

4           **Section 2.** W.S. 14-3-201, 14-3-202(a)(intro), (x),  
5 (xi) and by creating new paragraphs (xv) through (xvii),  
6 14-3-203 by creating a new subsection (c), 14-3-204(a)(ii),  
7 (iii), (iv), by creating a new paragraph (v) and by  
8 renumbering (v) through (vii) as (vi) through (viii) and by  
9 creating a new paragraph (ix), 14-3-206(a) and (c)(intro),  
10 14-3-208(a) through (d), 14-3-212(a), (b) by creating new  
11 paragraphs (iii) through (v), by renumbering (iii) and (iv)  
12 as (vi) and (vii), (c)(iii), by creating new paragraphs  
13 (iv) through (vi), by creating a new subsection (d) and by  
14 renumbering (d) as (e), 14-3-214(b)(intro), 14-3-402(a)(x),  
15 (xii)(A), (B)(intro), (xvi)(intro), by creating new  
16 paragraphs (xviii) through (xx) and renumbering (xviii) as  
17 (xxi), 14-3-405(a)(intro), 14-3-406(a)(intro) and (b),  
18 14-3-407(a), (c) and by creating a new subsection (d),  
19 14-3-408(a), 14-3-427(a)(intro), (ii) through (v), (b),  
20 (c)(ii), (iv), (v), by creating new paragraphs (vi) through  
21 (viii), (d) by creating new paragraphs (iii) through (v),  
22 by amending and renumbering (iii) as (vi), (e), (j) and by  
23 creating new subsections (k) through (o),  
24 14-6-227(a)(intro), (ii) through (v), (b), (c)(ii), (iv),

1 (v), by creating new paragraphs (vi) through (viii), (d) by  
2 creating new paragraphs (iii) through (v), by amending and  
3 renumbering (iii) as (vi), (e), (f), (j) and by creating  
4 new subsections (k) through (o) and 14-6-427(a)(intro),  
5 (ii) through (v), (b), (c)(ii), (iv), (v), by creating new  
6 paragraphs (vi) through (viii), (d) by creating new  
7 paragraphs (iii) through (v), by amending and renumbering  
8 (iii) as (vi), (e), (j) and by creating new subsections (k)  
9 through (o) are amended to read:

10

11 **14-3-201. Purpose.**

12

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

1 child in appropriate circumstances. The child's health,  
2 safety and welfare shall be of paramount concern in  
3 implementing and enforcing this article.

4  
5 **14-3-202. Definitions.**

6  
7 (a) As used in W.S. 14-3-201 through ~~14-3-215~~  
8 14-3-216:

9  
10 (x) "Unfounded report" means any report made  
11 pursuant to W.S. 14-3-201 through ~~14-3-215~~ 14-3-216 that is  
12 not supported by credible evidence;

13  
14 (xi) "Substantiated report" means any report of  
15 child abuse or neglect made pursuant to W.S. 14-3-201  
16 through ~~14-3-215~~ 14-3-216 that is determined upon  
17 investigation that credible evidence of the alleged abuse  
18 or neglect exists;

19  
20 (xv) "Collaborative" means the interagency  
21 children's collaborative created by W.S. 14-3-215;

22  
23 (xvi) "Department" means the state department of  
24 family services and its local offices;

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**14-3-203. Duties of state agency; on-call services.**

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

(c) The state agency shall ensure that all child protective service workers are trained:

(i) In the values and principles of family centered child welfare practice, including balancing the best interests of children with the rights of parents;

(ii) In the duty of the workers to inform the individual subject to a child abuse or neglect allegation, at the earliest opportunity during the initial contact, of the specific complaints or allegations made against the individual;

1           (iii) Concerning constitutional and statutory  
2 rights of children and families from and after the initial  
3 time of contact and the worker's legal duty not to violate  
4 the constitutional and statutory rights of children and  
5 families from and after the initial time of contact;

6  
7           (iv) To know the state's legal definitions of  
8 physical abuse, sexual abuse, neglect, dependency and  
9 endangerment;

10  
11           (v) To know the provisions of federal and state  
12 laws governing child welfare practice, including but not  
13 limited to the Adoption and Safe Families Act, Indian Child  
14 Welfare Act, Multi-Ethnic Placement Act and the Child Abuse  
15 Prevention and Treatment Act, as amended.

16  
17           **14-3-204. Duties of local child protective agency.**

18  
19           (a) The local child protective agency shall:

20  
21           (ii) Receive, assess, investigate or arrange for  
22 investigation and coordinate investigation or assessment of  
23 all reports of known or suspected child abuse or neglect;

24



1           (iii) Within twenty-four (24) hours after  
2 notification of a suspected case of child abuse or neglect,  
3 initiate an investigation or assessment and verification of  
4 every report. The representative of the child protective  
5 agency shall, at the initial time of contact with the  
6 individual subject to a child abuse and neglect  
7 investigation or assessment, advise the individual of the  
8 specific complaints or allegations made against the  
9 individual. A thorough investigation or assessment and  
10 report of child abuse or neglect shall be made in the  
11 manner and time prescribed by the state agency pursuant to  
12 rules and regulations adopted in accordance with the  
13 Wyoming Administrative Procedure Act. If the child  
14 protective agency is denied reasonable access to a child by  
15 a parent or other persons and the agency deems that the  
16 best interest of the child so requires, it shall seek an  
17 appropriate court order by ex parte proceedings or other  
18 appropriate proceedings to see the child. ‡ The agency shall  
19 assign a report:

20

21                   (A) For investigation when allegations  
22 contained in the report indicate:

23

1                   (I) That criminal charges could be  
2 filed, the child appears to be in imminent danger and it is  
3 likely the child will need to be removed from the home; or

4  
5                   (II) A child fatality, major injury or  
6 sexual abuse has occurred;

7  
8                   (B) For assessment when the report does not  
9 meet the criteria of subparagraph (A) of this paragraph.

10

11                   (iv) If the investigation or assessment  
12 discloses that abuse or neglect is present, initiate  
13 services with the family of the abused or neglected child  
14 to assist in resolving problems that lead to or caused the  
15 child abuse or neglect;

16

17                   (v) If the agency is able through investigation  
18 to substantiate a case of abuse or neglect, it shall notify  
19 the person suspected of causing the abuse or neglect of his  
20 right to request a hearing pursuant to the Wyoming  
21 Administrative Procedure Act, unless a court has also found  
22 that the substantiated abuse or neglect occurred;

23

1           ~~(v)~~ (vi) Make reasonable efforts to contact the  
2 noncustodial parent of the child and inform the parent of  
3 substantiated abuse or neglect in high risk or moderate  
4 risk cases as determined pursuant to rules and regulations  
5 of the state agency and inform the parent of any proposed  
6 action to be taken;

7

8           ~~(vi)~~ (vii) Cooperate, coordinate and assist with  
9 the prosecution and law enforcement agencies; ~~and~~

10

11           ~~(vii)~~ (viii) When the best interest of the child  
12 requires court action, contact the county and prosecuting  
13 attorney to initiate legal proceedings and assist the  
14 county and prosecuting attorney during the proceedings. If  
15 the county attorney elects not to bring court action the  
16 local child protective agency may petition the court for  
17 appointment of a guardian ad litem who shall act in the  
18 best interest of the child and who may petition the court  
19 to direct the county attorney to show cause why an action  
20 should not be commenced under W.S. 14-3-401 through  
21 14-3-439; ~~and~~ and

22

23           (ix) Refer a child under the age of six (6)  
24 years to the department of health, division of

1 developmental disabilities preschool program for  
2 educational and developmental screening and assessment.

3  
4 **14-3-206. Child abuse or neglect; written report;**  
5 **statewide reporting center; documentation; costs and**  
6 **admissibility thereof.**

7  
8 (a) Reports of child abuse or neglect or of suspected  
9 child abuse or neglect made to the local child protective  
10 agency or local law enforcement agency shall be:

11  
12 (i) Conveyed immediately by the agency receiving  
13 the report to the appropriate local child protective agency  
14 or local law enforcement agency. The agencies shall  
15 continue cooperating and coordinating with each other  
16 during the investigation; and

17  
18 (ii) Followed by a written report by the  
19 receiving agency confirming or not confirming the facts  
20 reported. ~~A written report may be dispensed with for good~~  
21 ~~cause shown.~~ The report shall provide to law enforcement or  
22 the local child protective agency the following, to the  
23 extent available:

24

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

2

3                   (B) The name and address of any person  
4 responsible for the child's care;

5

6                   (C) The nature and extent of the child's  
7 condition;

8

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

10

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

13

14                   (F) Any evidence of previous injuries to  
15 the child;

16

17                   (G) Photographs, videos and x-rays with the  
18 identification of the person who created the evidence and  
19 the date the evidence was created; and

20

21                   (H) Any other relevant information.

22

23           (c) Any person investigating, examining or treating  
24 suspected child abuse or neglect may document evidence of

1 child abuse or neglect to the extent allowed by law by  
2 having photographs taken or causing x-rays to be made of  
3 the areas of trauma visible on a child who is the subject  
4 of the report or who is subject to a report. The reasonable  
5 cost of the photographs or x-rays shall be reimbursed by  
6 the appropriate local child protective agency. All  
7 photographs, x-rays or copies thereof shall be sent to the  
8 local child protective agency, admissible as evidence in  
9 any civil proceeding relating to child abuse or neglect,  
10 and shall state:

11

12 **14-3-208. Temporary protective custody; order; time**  
13 **limitation; remedial health care.**

14

15 (a) When a ~~physician treating a child or a medical~~  
16 ~~staff member of a hospital in which a child is being~~  
17 ~~treated has reasonable cause to believe there exists an~~  
18 ~~imminent danger to the child's life or safety unless the~~  
19 ~~child~~ is taken into temporary protective custody ~~and there~~  
20 ~~is not time to apply for a court order, the child may be~~  
21 ~~taken into temporary protective custody without a warrant~~  
22 ~~or court order and without the consent of the parents,~~  
23 ~~guardians or others exercising temporary or permanent~~  
24 ~~control over the child. Any person taking a child into~~

1 ~~temporary protective custody~~ pursuant to W.S. 14-3-405(a)  
2 through (c), the person, agency or court taking custody  
3 shall ~~as soon as possible~~ immediately notify the  
4 ~~appropriate local child protective agency.~~ Upon  
5 ~~notification, the local child protective agency shall~~  
6 ~~initiate an investigation of the notification and make~~  
7 ~~every reasonable effort to inform the parent or other~~  
8 ~~person responsible for the child's welfare that the child~~  
9 ~~has been taken into temporary protective custody~~ department  
10 of family services office and place or transfer temporary  
11 protective custody to the local department of family  
12 services office as soon as practicable. The local  
13 department of family services office shall:

14

15 (i) Accept physical custody of the child;

16

17 (ii) Arrange for care and supervision of the  
18 child in the most appropriate and least restrictive setting  
19 necessary to meet the child's needs, including foster homes  
20 or other child care facilities certified by the department  
21 or approved by the court. When it is in the best interest  
22 of the child, the department may place the child with the  
23 child's noncustodial birth parent or with the child's  
24 extended family, including adult siblings, grandparents,

1 great-grandparents, aunts or uncles. Prior to approving  
2 placement with the child's noncustodial birth parent or  
3 extended family, the department shall determine whether  
4 anyone living in the home has been convicted of a crime  
5 involving serious harm to children or has a substantiated  
6 case listed on the central registry established pursuant to  
7 W.S. 14-3-213. The department may leave the child in the  
8 care of a physician or hospital when necessary to ensure  
9 the child receives proper care. A neglected child shall not  
10 be placed in a jail or detention facility other than for a  
11 delinquent act;

12

13 (iii) Initiate an investigation of the  
14 allegations and make every reasonable effort to inform the  
15 parent or other person responsible for the child's welfare  
16 that the child has been taken into temporary protective  
17 custody; and

18

19 (iv) Assess the child's mental and physical  
20 needs, provide for the child's ordinary and emergency  
21 medical care and seek emergency court authorization for any  
22 extraordinary medical care that is needed prior to the  
23 shelter care hearing.

24



1           (b) ~~Any district court judge, district court~~  
2 ~~commissioner or justice of the peace may issue a~~ The  
3 department shall promptly notify the court and the district  
4 attorney of any child taken into temporary protective  
5 custody ~~order upon finding that a child's life or safety is~~  
6 ~~in danger. That order may be requested by the state agency,~~  
7 ~~the local child protective agency, a local law enforcement~~  
8 ~~officer, an administrator of a hospital in which a child~~  
9 ~~reasonably believed to have been abused or neglected is~~  
10 ~~being treated or any physician who reasonably believes a~~  
11 ~~child has been abused or neglected, whether or not~~  
12 ~~additional medical treatment is required, and that the~~  
13 ~~child, by continuing in his place of residence or in the~~  
14 ~~care and custody of the person responsible for his welfare,~~  
15 ~~would be in imminent danger of his life or health. The~~  
16 ~~local child protective agency shall be notified of the~~  
17 order and placed in its care pursuant to W.S. 14-3-405  
18 without a court order and shall deliver the child to the  
19 court upon request.

20  
21           (c) Temporary protective custody shall not exceed  
22 ~~seventy-two (72)~~ forty-eight (48) hours, excluding weekends  
23 and legal holidays.

24

1 (d) When ~~necessary for the best interest or welfare~~  
2 ~~of a child, a~~ the court ~~may order medical or nonmedical~~  
3 ~~remedial health care notwithstanding the absence of a prior~~  
4 ~~finding of child abuse or neglect.~~ orders the child into  
5 the legal custody of the department pursuant to W.S.  
6 14-3-409(d) or 14-3-429, the department shall:

7  
8 (i) Accept legal custody of the child;

9  
10 (ii) Continue or arrange for, care,  
11 transportation and supervision of the child as provided in  
12 paragraph (a)(ii) of this section;

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

17  
18 (iv) Arrange for the provision of the education  
19 of the child, including participation in individualized  
20 education or developmental services;

21  
22 (v) Participate in multidisciplinary team  
23 meetings to develop treatment recommendations for the  
24 child;

1

2 (vi) Perform any other duties ordered by the  
3 court relating to the care or custody of the child.

4

5 **14-3-212. Child protection teams; creation;**  
6 **composition; duties; records confidential.**

7

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

22

23 (b) The local child protection team shall be composed  
24 of:

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

(iv) A representative from the county government;

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

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

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

(c) The local child protection team may:

(iii) ~~Provide an adequate treatment plan~~  
Coordinate the provision of appropriate services for ~~the~~  
abused and neglected ~~child~~ children and ~~his family.~~ their  
families;

1           (iv) Identify or develop community resources to  
2 serve abused and neglected children and advocate for  
3 improved services and procedures for such children;

4  
5           (v) Identify training needs, sponsor training  
6 and raise community awareness of child protection issues;  
7 and

8  
9           (vi) Assist and make recommendations of  
10 appropriate services in individual cases brought to it by  
11 the state agency or the local child protection agency.

12  
13           (d) The local child protection team shall not act as  
14 a multidisciplinary team, but members of the child  
15 protection team may serve on a multidisciplinary team if  
16 appointed pursuant to W.S. 14-3-427.

17  
18           ~~(d)~~(e) All records and proceedings of the child  
19 protection teams are subject to W.S. 14-3-214.

20  
21           **14-3-214. Confidentiality of records; penalties;**  
22 **access to information; attendance of school officials at**  
23 **interviews; access to central registry records pertaining**  
24 **to child protection cases.**

1

2 (b) Applications for access to records concerning  
3 child abuse or neglect contained in the state agency or  
4 local child protective agency shall be made in the manner  
5 and form prescribed by the state agency. Upon appropriate  
6 application, the state agency shall give access to any of  
7 the following persons or agencies for purposes directly  
8 related with the administration of W.S. 14-3-201 through  
9 ~~14-3-215~~ 14-3-216:

10

11 **14-3-402. Definitions.**

12

13 (a) As used in this act:

14

15 (x) "Legal custody" means a legal status created  
16 by court order which vests in a custodian the right to have  
17 physical custody of a minor, the right and duty to protect,  
18 train and discipline a minor, the duty to provide him with  
19 food, shelter, clothing, transportation, ordinary medical  
20 care, education and in an emergency, the right and duty to  
21 authorize surgery or other extraordinary medical care. The  
22 rights and duties of legal custody are subject to the  
23 rights and duties of the guardian of the person of the  
24 minor, and to residual parental rights and duties;

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2

(xii) "Neglected child" means a child:

3

4

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

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(xvi) "Residual parental rights and duties" means those rights and duties remaining with the parents after legal custody, guardianship of the person or both have been vested in another person, agency or institution.

1 Residual parental rights and duties include but are not  
2 limited to:

3

4 (xviii) "Ordinary medical care" means medical,  
5 dental and vision examinations, routine medical, dental and  
6 vision treatment and emergency surgical procedures, but  
7 does not include nonemergency surgical procedures;

8

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

24



1           ~~(xx)~~ "Transportation" means as defined in W.S.  
2 14-3-202(a) (xvii);

3

4           ~~(xviii)~~ (xxi) "This act" means W.S. 14-3-401  
5 through 14-3-440.

6

7           **14-3-405. Taking of child into custody; when**  
8 **permitted.**

9

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

15

16           (b) A child may be taken into temporary protective  
17 custody by a physician, physician's assistant or nurse  
18 practitioner without a warrant or court order and without  
19 the consent of the parents, guardians or others exercising  
20 temporary or permanent control over the child when the  
21 physician, physician's assistant or nurse practitioner  
22 treating the child, or a hospital in which the child is  
23 being treated, finds that there is reasonable cause to  
24 believe an imminent danger to the child's life, health or

1 safety exists unless the child is taken into protective  
2 custody, whether or not additional medical treatment is  
3 required, and there is not time to apply for a court order.

4  
5 (c) A district attorney may file an emergency  
6 petition, or the state agency, a local law enforcement  
7 officer, an administrator of a hospital in which a child  
8 reasonably believed to have been abused or neglected is  
9 being treated, or any physician, physician's assistant or  
10 nurse practitioner who treated the child may request the  
11 court for a protective order. After considering the  
12 emergency petition or request, the judge or commissioner,  
13 upon finding that there is reasonable cause to believe that  
14 a child has been abused or neglected and that the child, by  
15 continuing in his place of residence or in the care and  
16 custody of the person responsible for his health, safety  
17 and welfare, would be in imminent danger of his life,  
18 health or safety, may:

19  
20 (i) Issue an ex parte order or search warrant.  
21 The order shall place the child in the temporary protective  
22 custody of the local child protection agency;

23

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

5  
6           (d) Temporary protective custody shall not exceed  
7 forty-eight (48) hours, excluding weekends and legal  
8 holidays.

9  
10          (e) When necessary for the best interest or welfare  
11 of the child in temporary protective custody, a court may  
12 order medical or other necessary health care, including  
13 mental health and substance abuse care, notwithstanding the  
14 absence of a prior finding of child abuse or neglect.

15  
16          **14-3-406. Child in custody; no shelter care placement**  
17 **without court order; exceptions; notice to parent or**  
18 **guardian; release.**

19  
20          (a) A child taken into temporary protective custody  
21 shall not be placed in shelter care without a court order  
22 unless shelter care is required to:

23

1 (b) Any person taking a child into temporary  
2 protective custody under this act shall as soon as possible  
3 notify the child's parent, guardian or custodian. Unless  
4 the child's shelter care is authorized by court order or  
5 required for one (1) of the reasons in subsection (a) of  
6 this section, the child shall be released to the care of  
7 his parent, guardian, custodian or other responsible adult  
8 upon that person's written promise to present the child  
9 before the court upon request.

10  
11 **14-3-407. Shelter care; delivery of child pending**  
12 **hearing; placing children; notice if no court order.**

13  
14 (a) If shelter care of a child appears necessary to  
15 the person taking custody of the child, the child shall be  
16 delivered as soon as possible to the court or to the  
17 ~~shelter care facility designated by the court~~ department of  
18 family services pending a hearing.

19  
20 (c) The ~~person in charge of any shelter care facility~~  
21 department of family services shall promptly notify the  
22 court and the district attorney of any child being cared  
23 for ~~at the facility~~ by the department without a court order  
24 and shall deliver the child to the court upon request.

1

2 (d) The department of family services shall care for  
3 the child under this section pursuant to temporary  
4 protective custody provisions as specified in W.S.  
5 14-3-208.

6

7 **14-3-408. Notice of shelter care to be given district**  
8 **attorney; written statement required; duty of district**  
9 **attorney.**

10

11 (a) When a child is taken into temporary protective  
12 custody without a court order and is placed in shelter care  
13 pursuant to W.S. 14-3-405(a) or (b), the person or agency  
14 taking temporary protective custody of the child shall  
15 notify the district attorney without delay. Also the person  
16 shall as soon as possible file a brief written statement  
17 with the district attorney setting forth the facts which  
18 led to taking the child into custody and the reason why the  
19 child was not released.

20

21 **14-3-427. Predisposition studies and reports.**

22

23 (a) After a petition is filed alleging a child is  
24 neglected, the court shall order the department of family

1 services to make a predisposition study and report. The  
2 court shall establish a deadline for completion of the  
3 report. While preparing the study the department shall  
4 consult with the child's school and school district to  
5 determine the child's educational needs. The study and  
6 report shall also cover:

7

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

13

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

19

20 (iv) The presence of any mental health or  
21 substance abuse ~~history~~ risk factors, including current  
22 participation in ~~mental health~~ counseling, therapy or  
23 treatment; and

24

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

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

12  
13 (c) The multidisciplinary team shall include the  
14 following:

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

20  
21 (iv) The child's psychiatrist, psychologist or  
22 mental health professional; ~~and~~

23  
24 (v) The district attorney or his designee; ~~and~~

1

2

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

4

5

(vii) The volunteer lay advocate, if one is appointed by the court; and

7

8

(viii) The foster parent.

9

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

13

14

(iii) The child;

15

16

(iv) A relative;

17

18

19

(v) If the predispositional study indicates a parent or child has special needs, an appropriate

20

representative of the department of health's substance

21

abuse, mental health or developmental disabilities division

22

who has knowledge of the services available in the state's

23

system of care that are pertinent to those identified

24

needs;



1

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

7

8           (e) The multidisciplinary team shall, in accordance  
9 with rules and regulations promulgated by the department of  
10 family services, review the child's personal and family  
11 history, school records, mental health records and  
12 department of family services records and any other  
13 pertinent information, for the purpose of making case  
14 planning recommendations. To the extent appropriate, the  
15 team shall involve the child in the development of the  
16 recommendations.

17

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

1 shall be bound by the confidentiality provisions of  
2 subsection (g) of this section.

3

4 (k) The department shall develop a case plan for a  
5 child when there is a recommendation to place the child  
6 outside the home.

7

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

14

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

21

22 (o) Five (5) business days prior to each review  
23 hearing, the multidisciplinary team shall file with the  
24 court a report updating the multidisciplinary team report,

1 the multidisciplinary team's recommendations and the  
2 department case plan.

3

4 **14-6-227. Predisposition studies and reports.**

5

6 (a) After a petition is filed alleging the child is  
7 delinquent, the court shall order the department to make a  
8 predisposition study and report. The court shall establish  
9 a deadline for completion of the report. While preparing  
10 the study the department shall consult with the child's  
11 school and school district to determine the child's  
12 educational needs. The 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 and impairments;

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;

13

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

16

17           (viii) The foster parent.

18

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

22

23           (iii) The child;

24

1           (iv) A relative;

2

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

10

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

16

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

1 involve the child in the development of recommendations to  
2 the extent appropriate.

3

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

7

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

17

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

21

22 (m) If the child is placed outside the home, the  
23 multidisciplinary team shall meet quarterly to review the  
24 child's and the family's progress toward meeting the goals

1 or expectations in the case plan and the multidisciplinary  
2 team shall provide a written report with recommendations to  
3 the court prior to each review hearing.

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

11  
12 (o) Five (5) business days prior to each review  
13 hearing, the multidisciplinary team shall file with the  
14 court a report updating the multidisciplinary team report,  
15 the multidisciplinary team's recommendations and the  
16 department case plan.

17  
18 **14-6-427. Predisposition studies and reports.**

19  
20 (a) After a petition is filed alleging the child is  
21 in need of supervision, the court shall order the  
22 department of family services to make a predisposition  
23 study and report. The court shall establish a deadline for  
24 completion of the report. While preparing the study the



1 department shall consult with the child's school and school  
2 district to determine the child's educational needs. The  
3 study and report shall also cover:

4

5 (ii) The performance of the child in school, 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

11 (iii) The presence of child abuse and neglect or  
12 domestic violence histories, past acts of violence,  
13 learning disabilities, cognitive disabilities or physical  
14 impairments and ~~past acts of violence~~ the necessary  
15 services to accommodate the disabilities and impairments;  
16

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

21

22 (v) Other matters relevant to treatment of the  
23 child, including any pertinent family information, or

1 proper disposition of the case, including any information  
2 required by W.S. 21-13-315(d).

3

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

11

12 (c) The multidisciplinary team shall include the  
13 following:

14

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

19

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

22

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

24

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

3

4           (vii) The volunteer lay advocate, if one is  
5 appointed by the court; and

6

7           (viii) The foster parent.

8

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

12

13           (iii) The child;

14

15           (iv) A relative;

16

17           (v) If the predispositional study indicates a  
18 parent or child has special needs, an appropriate  
19 representative of the department of health's substance  
20 abuse, mental health or developmental disabilities division  
21 who has knowledge of the services available in the state's  
22 system of care that are pertinent to those identified  
23 needs;

24

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

6  
7           (e) The multidisciplinary team shall, as quickly as  
8 reasonably possible and in accordance with rules and  
9 regulations promulgated by the department of family  
10 services, review the child's personal and family history,  
11 school, mental health and department of family services  
12 records and any other pertinent information, for the  
13 purpose of making case planning recommendations. The team  
14 shall involve the child in the development of  
15 recommendations to the extent appropriate.

16  
17           (j) Any member of a multidisciplinary team who cannot  
18 ~~personally~~ attend team meetings in person or by telephone  
19 may submit written reports and recommendations to the other  
20 team members and to the court. Individuals who are not  
21 members of the multidisciplinary team but have knowledge  
22 pertinent to the team's decisions may be asked to provide  
23 information to the multidisciplinary team. Such individuals

1 shall be bound by the confidentiality provisions of  
2 subsection (g) of this section.

3

4 (k) The department shall develop a case plan for a  
5 juvenile when there is a recommendation to place the child  
6 outside the home.

7

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

14

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

21

22 (o) Five (5) business days prior to each review  
23 hearing, the multidisciplinary team shall file with the  
24 court a report updating the multidisciplinary team report,

1 the multidisciplinary team's recommendations and the  
2 department case plan.

3

4 **Section 3.** W.S. 14-3-215 is amended and renumbered as  
5 14-3-216 to read:

6

7 ~~14-3-215~~ 14-3-216. **Other laws not superseded.**

8

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

11

12 **Section 4.** W.S. 14-3-203(a)(iv), 14-3-212(c)(ii),  
13 14-3-402(a)(xii)(B)(I) through (IV), 14-3-407(b),  
14 14-3-427(d)(i) and (ii), 14-6-227(d)(i) and (ii) and  
15 14-6-427(d)(i) and (ii) are repealed.

16

17 **Section 5.**

18

19 (a) Except as provided in subsection (b) of this  
20 section, this act is effective July 1, 2005.

21

22 (b) W.S. 14-3-215(b), as created by this act, is  
23 effective immediately upon completion of all acts necessary

1 for a bill to become law as provided by Article 4, Section  
2 8 of the Wyoming Constitution.

3

4

(END)