

HOUSE BILL NO. HB0088

Child protection amendments.

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 requirements for the operation of the
9 central registry for child protection cases; establishing a
10 criminal offense for failure to report child abuse or
11 exploitation; amending definitions; amending standards of
12 proof as specified; requiring notice as specified;
13 specifying duties; granting rulemaking authority;
14 conforming provisions; repealing provisions; and providing
15 for effective dates.

16

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

1

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

3

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:

8

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;

17

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, 2004, 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),
5 (ii)(intro), (B), (x), (xi) and by creating new paragraphs
6 (xv) through (xvii), 14-3-204(a)(ii), (iii), (iv), by
7 creating a new paragraph (v) and by renumbering (v) through
8 (vii) as (vi) through (viii), 14-3-205 by creating a new
9 subsection (c), 14-3-206(a) and (c)(intro), 14-3-208(a)
10 through (d), 14-3-212(a), (b) by creating new paragraphs
11 (iii) through (v), by renumbering (iii) and (iv) as (vi)
12 and (vii), (c)(iii), by creating new paragraphs (iv)
13 through (vi), by creating a new subsection (d) and by
14 renumbering (d) as (e), 14-3-213(a), (b)(intro), (ii),
15 (iii), by creating a new paragraph (iv), (c), (d)(ii),
16 (iii) and (e), 14-3-214(b)(intro), by creating a new
17 paragraph (viii) and (f), 14-3-402(a)(x), (xii)(A), (B),
18 (xvi)(intro), by creating new paragraphs (xviii) through
19 (xx) and renumbering (xviii) as (xxi), 14-3-405(a)(intro),
20 14-3-406(a)(intro) and (b), 14-3-407(a), (c) and by
21 creating a new subsection (d), 14-3-408(a),
22 14-3-427(a)(intro), (ii) through (v), (b), (c)(ii), (iv),
23 (v), by creating new paragraphs (vi), (vii), (d) by
24 creating new paragraphs (iii) through (vi), by amending and

1 renumbering (iii) as (vii), (e), (j) and by creating new
2 subsections (k) through (o), 14-6-227(a)(intro), (ii)
3 through (v), (b), (c)(ii), (iv), (v), by creating new
4 paragraphs (vi) and (vii), (d) by creating new paragraphs
5 (iii) through (vi), by amending and renumbering (iii) as
6 (vii), (e), (f), (j) and by creating new subsections (k)
7 through (o) and 14-6-427(a)(intro), (ii) through (v), (b),
8 (c)(ii), (iv), (v), by creating new paragraphs (vi) and
9 (vii), (d) by creating new paragraphs (iii) through (vi),
10 by amending and renumbering (iii) as (vii), (e), (j) and by
11 creating new subsections (k) through (o) are amended to
12 read:

13

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

15

16 The purpose of W.S. 14-3-201 through ~~14-3-215~~14-3-216 is
17 to delineate the responsibilities of the state agency,
18 other governmental agencies or officials, professionals and
19 citizens to intervene on behalf of a child suspected of
20 being abused or neglected, to protect the best interest of
21 the child, ~~or a disabled adult,~~ to further offer protective
22 services when necessary in order to prevent any harm to the
23 child or any other children living in the home, ~~or to a~~
24 ~~disabled adult,~~ to protect children ~~or disabled adults~~ from

1 abuse or neglect which jeopardize their health or welfare,
2 to stabilize the home environment, ~~and~~ to preserve family
3 life whenever possible and to provide permanency for the
4 child in appropriate circumstances. The child's health,
5 safety and welfare shall be of paramount concern in
6 implementing and enforcing this article.

7
8 **14-3-202. Definitions.**

9
10 (a) As used in W.S. 14-3-201 through ~~14-3-215~~
11 14-3-216:

12
13 (ii) "Abuse" means inflicting or causing
14 physical or mental injury, harm or imminent danger to the
15 physical or mental health or welfare of a child other than
16 by accidental means, including abandonment, unless the
17 abandonment is a relinquishment substantially in accordance
18 with W.S. 14-11-101 through 14-11-109, excessive or
19 unreasonable ~~corporal punishment~~ discipline, malnutrition
20 or substantial risk thereof by reason of intentional or
21 unintentional neglect, and the commission or allowing the
22 commission of a sexual offense against a child as defined
23 by law:

1 (B) "Physical injury" means any harm to a
2 child including but not limited to disfigurement,
3 impairment of any bodily organ, skin bruising, ~~if greater~~
4 ~~in magnitude than minor bruising associated with reasonable~~
5 ~~corporal punishment,~~ bleeding, burns, fracture of any bone,
6 subdural hematoma or substantial malnutrition;
7

8 (x) "~~Unfounded~~ Unsubstantiated report" means any
9 report made pursuant to W.S. 14-3-201 through 14-3-215
10 that, upon investigation, is not supported by ~~credible~~ a
11 preponderance of the evidence;
12

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

14-3-204. Duties of local child protective agency.

(a) The local child protective agency shall:

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

(iii) Within twenty-four (24) hours after notification of a suspected case of child abuse or neglect, initiate an investigation or assessment and verification of every report. A thorough investigation or assessment and report of child abuse or neglect shall be made in the manner and time prescribed by the state agency pursuant to rules and regulations adopted in accordance with the 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:

10
11 (I) That criminal charges could be
12 filed, the child appears to be in imminent danger and it is
13 likely the child will need to be removed from the home; or

14
15 (II) A child fatality, major injury or
16 sexual abuse has occurred;

17
18 (B) For assessment when the report does not
19 meet the criteria of subparagraph (A) of this paragraph.

20
21 (iv) If the investigation or assessment
22 discloses that abuse or neglect is present, initiate
23 services with the family of the abused or neglected child

1 to assist in resolving problems that lead to or caused the
2 child abuse or neglect;

3
4 (v) If the agency is able through investigation
5 to substantiate a case of abuse or neglect, it shall notify
6 the person suspected of causing the abuse or neglect of his
7 right to request a hearing pursuant to the Wyoming
8 Administrative Procedure Act, unless a court has also found
9 that abuse or neglect has occurred as a result of the
10 incident under investigation;

11
12 ~~(v)~~ (vi) Make reasonable efforts to contact the
13 noncustodial parent of the child and inform the parent of
14 substantiated abuse or neglect in high risk or moderate
15 risk cases as determined pursuant to rules and regulations
16 of the state agency and inform the parent of any proposed
17 action to be taken;

18
19 ~~(vi)~~ (vii) Cooperate, coordinate and assist with
20 the prosecution and law enforcement agencies; and

21
22 ~~(vii)~~ (viii) When the best interest of the child
23 requires court action, contact the county and prosecuting
24 attorney to initiate legal proceedings and assist the

1 county and prosecuting attorney during the proceedings. If
2 the county attorney elects not to bring court action the
3 local child protective agency may petition the court for
4 appointment of a guardian ad litem who shall act in the
5 best interest of the child and who may petition the court
6 to direct the county attorney to show cause why an action
7 should not be commenced under W.S. 14-3-401 through
8 14-3-439.

9
10 **14-3-205. Child abuse or neglect; persons required to**
11 **report.**

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

19
20 **14-3-206. Child abuse or neglect; written report;**
21 **statewide reporting center; documentation; costs and**
22 **admissibility thereof.**

1 (a) Reports of child abuse or neglect or of suspected
2 child abuse or neglect made to the local child protective
3 agency or local law enforcement agency shall be:

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

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

17
18 (A) The name, age and address of the child;

19
20 (B) The name and address of any person
21 responsible for the child's care;

22
23 (C) The nature and extent of the child's
24 condition;

1

2

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

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

6

7

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

9

10

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

13

14

(H) Any other relevant information.

15

16

(c) Any person investigating, examining or treating
suspected child abuse or neglect may document evidence of
child abuse or neglect to the extent allowed by law by
having photographs taken or causing x-rays to be made of
the areas of trauma visible on a child who is the subject
of the report or who is subject to a report. The reasonable
cost of the photographs or x-rays shall be reimbursed by
the appropriate local child protective agency. All
photographs, x-rays or copies thereof shall be sent to the

24

1 local child protective agency, admissible as evidence in
2 any civil proceeding relating to child abuse or neglect,
3 and shall state:

4
5 **14-3-208. Temporary protective custody; order; time**
6 **limitation; remedial health care.**
7

8 (a) When a ~~physician treating a child or a medical~~
9 ~~staff member of a hospital in which a child is being~~
10 ~~treated has reasonable cause to believe there exists an~~
11 ~~imminent danger to the child's life or safety unless the~~
12 ~~child~~ is taken into temporary protective custody ~~and there~~
13 ~~is not time to apply for a court order, the child may be~~
14 ~~taken into temporary protective custody without a warrant~~
15 ~~or court order and without the consent of the parents,~~
16 ~~guardians or others exercising temporary or permanent~~
17 ~~control over the child. Any person taking a child into~~
18 ~~temporary protective custody pursuant to W.S. 14-3-405(a)~~
19 ~~through (c), the person, agency or court taking custody~~
20 shall ~~as soon as possible~~ immediately notify the
21 ~~appropriate local child protective agency. Upon~~
22 ~~notification, the local child protective agency shall~~
23 ~~initiate an investigation of the notification and make~~
24 ~~every reasonable effort to inform the parent or other~~

1 ~~person responsible for the child's welfare that the child~~
2 ~~has been taken into temporary protective custody~~ department
3 of family services office and place or transfer temporary
4 protective custody to the local department of family
5 services office as soon as practicable. The local
6 department of family services office shall:

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

9
10 (ii) Arrange for care and supervision of the
11 child in the most appropriate and least restrictive setting
12 necessary to meet the child's needs, including foster homes
13 or other child care facilities certified by the department
14 or approved by the court. When it is in the best interest
15 of the child, the department may place the child with the
16 child's noncustodial birth parent or with the child's
17 extended family, including adult siblings, grandparents,
18 great-grandparents, aunts or uncles. Prior to approving
19 placement with the child's noncustodial birth parent or
20 extended family, the department shall determine whether
21 anyone living in the home has been convicted of a crime
22 involving serious harm to children or has a substantiated
23 case listed on the central registry established pursuant to
24 W.S. 14-3-213. The department may leave the child in the

1 care of a physician or hospital when necessary to ensure
2 the child receives proper care. A neglected child shall not
3 be placed in a jail or detention facility other than for a
4 delinquent act;

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

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

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

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

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

17
18 (d) When ~~necessary for the best interest or welfare~~
19 ~~of a child, a~~ the court ~~may order medical or nonmedical~~
20 ~~remedial health care notwithstanding the absence of a prior~~
21 ~~finding of child abuse or neglect.~~ orders the child into
22 the legal custody of the department pursuant to W.S.
23 14-3-409(d) or 14-3-429, the department shall:

1 (i) Accept legal custody of the child;

2

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

6

7 (iii) Participate in multidisciplinary team
8 meetings to develop treatment recommendations for the
9 child;

10

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

15

16 (v) Assess the child's mental and physical
17 health needs and provide for the child's ordinary and
18 emergency medical care;

19

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

22

23 **14-3-212. Child protection teams; creation;**
24 **composition; duties; records confidential.**

1

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

16

17 (b) The local child protection team shall be composed
18 of:

19

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

22

23 (iv) A representative from the county
24 government;

1

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

4

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

7

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

10

11 (c) The local child protection team may:

12

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

17

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

21

22 (v) Identify training needs, sponsor training
23 and raise community awareness of child protection issues;
24 and

1

2 (vi) Assist and make recommendations of
3 appropriate services in individual cases brought to it by
4 the state agency or the local child protection agency.

5

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

10

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

13

14 **14-3-213. Central registry of child protection cases;**
15 **establishment; operation; amendment, expungement or removal**
16 **of records; classification and expungement of reports;**
17 **statement of person accused.**

18

19 (a) The state agency shall establish and maintain
20 ~~within the statewide~~ a record of all child protection
21 ~~center reports and~~ a central registry of child protection
22 cases in accordance with W.S. 42-2-111.

23

1 (b) ~~Through the recording of reports, the central~~
2 ~~registry~~ The state agency's recordkeeping system shall be
3 operated to enable the ~~center~~ state agency to:

4
5 (ii) Continuously monitor the current status of
6 all pending child protection cases; ~~and~~

7
8 (iii) Regularly evaluate the effectiveness of
9 existing laws and programs through the development and
10 analysis of statistical and other information; ~~and~~ and

11
12 (iv) Maintain a central registry of "under
13 investigation" reports and "substantiated" cases of child
14 abuse or neglect for provision of information to qualifying
15 applicants pursuant to W.S. 14-3-214(f).

16
17 (c) ~~With the approval of the local child protective~~
18 ~~agency,~~ Upon good cause shown and upon notice to the
19 subject of the report, the state agency may list, amend,
20 expunge or remove any record from the central registry in
21 accordance with rules and regulations adopted by the state
22 agency.

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

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

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

(e) Within six (6) months ~~any report~~ all reports classified as "under investigation" shall be reclassified as "~~founded~~ substantiated" or "~~closed~~ unsubstantiated", ~~depending upon the results of~~ unless the state agency is notified of an open criminal investigation or criminal prosecution. ~~Unfounded~~ Unsubstantiated reports shall be expunged from the central registry.

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

(b) Applications for access to records concerning child abuse or neglect contained in the state agency or local child protective agency shall be made in the manner

1 and form prescribed by the state agency. Upon appropriate
2 application, the state agency shall give access to any of
3 the following persons or agencies for purposes directly
4 related with the administration of W.S. 14-3-201 through
5 ~~14-3-215~~ 14-3-216:

6
7 (viii) An education or mental health
8 professional serving the child, if the state agency
9 determines the information is necessary to provide
10 appropriate educational or therapeutic interventions.

11
12 (f) Upon appropriate application, the state agency
13 shall provide to any chapter of a nationally recognized
14 youth organization, child caring facility certified under
15 W.S. 14-4-101 et seq., public or private school or state
16 institution for employee or volunteer screening purposes a
17 summary of records maintained under department of family
18 services rules since December 31, 1986, concerning child
19 abuse involving a named individual or confirm that no
20 "substantiated" or "under investigation" records exist. The
21 applicant shall submit a fee of ten dollars (\$10.00) and
22 proof satisfactory to the state agency that the prospective
23 or current employee or volunteer whose records are being
24 checked consents to the release of the information to the

1 applicant. Central registry screening shall be limited to
2 "substantiated" or "under investigation" reports of child
3 abuse and neglect in which opportunities for due process
4 have been exhausted under the Wyoming Administrative
5 Procedure Act including an appeal through the district
6 court level. The applicant shall use the information
7 received only for purposes of screening prospective
8 employees and volunteers who may, through their employment
9 or volunteer services, have unsupervised access to minors.
10 Applicants, their employees or other agents shall not
11 otherwise divulge or make public any information received
12 under this section. The state agency shall notify any
13 applicant receiving a report under this section that a
14 prospective employee is under investigation, of the final
15 disposition of that investigation or whether an appeal is
16 pending. The state agency shall notify any applicant
17 receiving information under this subsection of any
18 subsequent reclassification of the information pursuant to
19 W.S. 14-3-213(e). The state agency shall screen all
20 prospective agency employees in conformity with the
21 procedure provided under this subsection.

22

23 **14-3-402. Definitions.**

24

1 (a) As used in this act:

2

3 (x) "Legal custody" means a legal status created
4 by court order which vests in a custodian the right to have
5 physical custody of a minor, the right and duty to protect,
6 train and discipline a minor, the duty to provide him with
7 food, shelter, clothing, transportation, ordinary medical
8 care, education and in an emergency, the right and duty to
9 authorize surgery or other extraordinary medical care. The
10 rights and duties of legal custody are subject to the
11 rights and duties of the guardian of the person of the
12 minor, and to residual parental rights and duties;

13

14 (xii) "Neglected child" means a child:

15

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

21

22 (B) Who has ~~been abused by the inflicting~~
23 ~~or causing of physical or mental injury, harm or imminent~~
24 ~~danger to the physical or mental health or welfare of the~~

~~child, other than by accidental means, including~~
~~abandonment, excessive or unreasonable corporal punishment,~~
~~malnutrition or substantial risk thereof by reason of~~
~~intentional or unintentional neglect, and the commission or~~
~~allowing the commission of a sexual offense against a child~~
~~as defined by law~~ been subjected to abuse as defined in
W.S. 14-3-202(a)(ii):

(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.
Residual parental rights and duties include but are not
limited to:

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

(xix) "Temporary protective custody" means a
legal status created prior to a shelter care hearing when a
court, law enforcement officer, physician, physician's
assistant or nurse practitioner takes a child into

protective custody pursuant to W.S. 14-3-405. Temporary protective custody vests in a custodian the duty to protect the child and arrange for the provision of food, shelter, clothing, transportation, ordinary medical care and education. Temporary protective custody shall be transferred from the law enforcement officer, physician, physician's assistant or nurse practitioner to the local child protection agency as soon as practicable to facilitate such care. Temporary protective custody divests the parent or custodian of his right to the custody and control of the child;

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

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

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

(a) A child may be taken into custody by a law enforcement officer without a warrant or court order and without the consent of the parents, guardians or others

1 exercising temporary or permanent control over the child
2 when:

3
4 (b) A child may be taken into temporary protective
5 custody by a physician, physician's assistant or nurse
6 practitioner without a warrant or court order and without
7 the consent of the parents, guardians or others exercising
8 temporary or permanent control over the child when the
9 physician, physician's assistant or nurse practitioner
10 treating the child, or a hospital in which the child is
11 being treated, finds that there is reasonable cause to
12 believe an imminent danger to the child's life, health or
13 safety exists unless the child is taken into protective
14 custody, whether or not additional medical treatment is
15 required, and there is not time to apply for a court order.

16
17 (c) A district attorney may file an emergency
18 petition, or the state agency, a local law enforcement
19 officer, an administrator of a hospital in which a child
20 reasonably believed to have been abused or neglected is
21 being treated, or any physician, physician's assistant or
22 nurse practitioner who treated the child may request the
23 court for a protective order. After considering the
24 emergency petition or request, the judge or commissioner,

1 upon finding that there is reasonable cause to believe that
2 a child has been abused or neglected and that the child, by
3 continuing in his place of residence or in the care and
4 custody of the person responsible for his health, safety
5 and welfare, would be in imminent danger of his life,
6 health or safety, may:

7
8 (i) Issue an ex parte order or search warrant.
9 The order shall place the child in the temporary protective
10 custody of the local child protection agency;

11
12 (ii) Issue an emergency order or search warrant
13 upon application and hearing, authorizing ordinary or
14 emergency care of the child or authorizing a forensic
15 examination to collect evidence.

16
17 (d) Temporary protective custody shall not exceed
18 forty-eight (48) hours, excluding weekends and legal
19 holidays.

20
21 (e) When necessary for the best interest or welfare
22 of the child, a court may order medical or nonmedical
23 remedial health care notwithstanding the absence of a prior
24 finding of child abuse or neglect.

1

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

5

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

9

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

19

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

22

23 (a) If shelter care of a child appears necessary to
24 the person taking custody of the child, the child shall be

1 delivered as soon as possible to the court or to the
2 ~~shelter care facility designated by the court~~ department of
3 family services pending a hearing.

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

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

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

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

1 shall as soon as possible file a brief written statement
2 with the district attorney setting forth the facts which
3 led to taking the child into custody and the reason why the
4 child was not released.

5
6 **14-3-427. Predisposition studies and reports.**

7
8 (a) After a petition is filed alleging a child is
9 neglected, the court shall order the department of family
10 services to make a predisposition study and report. The
11 court shall establish a deadline for completion of the
12 report. While preparing the study the department shall
13 consult with the child's school and school district to
14 determine the child's educational needs. The study and
15 report shall also cover:

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

22
23 (iii) The presence of child abuse and neglect or
24 domestic violence histories, past acts of violence,

1 learning disabilities, cognitive disabilities or physical
2 impairments and ~~past acts of violence~~ the necessary
3 services to accommodate the disabilities and impairments;
4

5 (iv) The presence of any mental health or
6 substance abuse ~~history~~ risk factors, including current
7 participation in ~~mental health~~ counseling, therapy or
8 treatment; and
9

10 (v) Other matters relevant to treatment of the
11 child, including any pertinent family information, or
12 proper disposition of the case, including any information
13 required by W.S. 21-13-315(d).
14

15 (b) Within ten (10) days after a petition is filed
16 alleging a child is neglected, the court shall appoint a
17 multidisciplinary team. The multidisciplinary team shall
18 operate in accordance with the protocol established under
19 W.S. 14-3-215. Upon motion by a party, the court may add or
20 dismiss a member of the multidisciplinary team.
21

22 (c) The multidisciplinary team shall include the
23 following:
24

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; ~~and~~

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) A relative;

24

1 (v) The foster parent;

2

3 (vi) 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)~~ (vii) 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, in accordance
18 with rules and regulations promulgated by the department of
19 family services, review the child's personal and family
20 history, school records, mental health records and
21 department of family services records and any other
22 pertinent information, for the purpose of making case
23 planning recommendations. To the extent appropriate, the

1 team shall involve the child in the development of the
2 recommendations.

3
4 (j) Any member of a multidisciplinary team who cannot
5 ~~personally~~ attend team meetings in person or by telephone
6 may submit written reports and recommendations to the other
7 team members and to the court. Individuals who are not
8 members of the multidisciplinary team but have knowledge
9 pertinent to the team's decisions may be asked to provide
10 information to the multidisciplinary team. Such individuals
11 shall be bound by the confidentiality provisions of
12 subsection (g) of this section.

13
14 (k) The department shall develop a case plan for a
15 child 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 multidisciplinary team report which
4 shall include the multidisciplinary team's recommendations
5 and 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 multidisciplinary team report,
11 the multidisciplinary team's recommendations and the case
12 plan.

13
14 **14-6-227. Predisposition studies and reports.**

15
16 (a) After a petition is filed alleging the child is
17 delinquent, the court shall order the department to make a
18 predisposition study and report. The court shall establish
19 a deadline for completion of the report. While preparing
20 the study the department shall consult with the child's
21 school and school district to determine the child's
22 educational needs. The study and report shall also cover:

23

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

6
7 (iii) The presence of child abuse and neglect or
8 domestic violence histories, past acts of violence,
9 learning disabilities, cognitive disabilities or physical
10 impairments and ~~past acts of violence~~ the necessary
11 services to accommodate the disabilities and impairments;

12
13 (iv) The presence of any mental health or
14 substance abuse ~~history~~ risk factors, including current
15 participation in ~~mental health~~ counseling, therapy or
16 treatment; and

17
18 (v) Other matters relevant to the child's
19 present status as a delinquent, including any pertinent
20 family information, treatment of the child or proper
21 disposition of the case, including any information required
22 by W.S. 21-13-315(d).

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

7
8 (c) The multidisciplinary team shall include the
9 following:

10
11 (ii) A representative of the school district who
12 has direct knowledge of the child and, if the child
13 receives special education, is a member of the child's
14 individualized education plan team;

15
16 (iv) The child's psychiatrist, psychologist or
17 mental health professional; ~~and~~

18
19 (v) The district attorney or his designee; ~~and~~

20
21 (vi) The child's attorney or guardian ad litem,
22 if one is appointed by the court; and

23

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) A relative;

11
12 (v) The foster parent;

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

21
22 ~~(iii)~~ (vii) Other professionals or persons who
23 have particular knowledge relating to the child or his
24 family, or expertise in children's services and the child's

1 or parent's specific disability or special needs, including
2 linguistic and cultural needs.

3
4 (e) The multidisciplinary team shall, as quickly as
5 reasonably possible and in accordance with rules and
6 regulations promulgated by the department of family
7 services, review the child's personal and family history,
8 school, mental health and department of family services
9 records and any other pertinent information, for the
10 purpose of making sanction recommendations. The team shall
11 involve the child in the development of recommendations to
12 the extent appropriate.

13
14 (f) The multidisciplinary team shall formulate
15 written recommendations consistent with the purposes of
16 this act.

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 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 case plan in a standard format established by the
20 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 case
2 plan.

3
4 **14-6-427. Predisposition studies and reports.**

5
6 (a) After a petition is filed alleging the child is
7 in need of supervision, the court shall order the
8 department of family services to make a predisposition
9 study and report. The court shall establish a deadline for
10 completion of the report. While preparing the study the
11 department shall consult with the child's school and school
12 district to determine the child's educational needs. The
13 study and report shall also cover:

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

20
21 (iii) The presence of child abuse and neglect or
22 domestic violence histories, past acts of violence,
23 learning disabilities, cognitive disabilities or physical

1 impairments and ~~past acts of violence~~ the necessary
2 services to accommodate the disabilities and impairments;
3

4 (iv) The presence of any mental health or
5 substance abuse ~~history~~ risk factors, including current
6 participation in ~~mental health~~ counseling, therapy or
7 treatment; and
8

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

14 (b) Within ten (10) days after a petition is filed
15 alleging a child is in need of supervision, the court shall
16 appoint a multidisciplinary team. The multidisciplinary
17 team shall operate in accordance with the protocol
18 established under W.S. 14-3-215. Upon motion by a party,
19 the court may add or dismiss a member of the
20 multidisciplinary team.
21

22 (c) The multidisciplinary team shall include the
23 following:
24

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; ~~and~~

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) A relative;

1 (v) The foster parent;

2

3 (vi) 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)~~ (vii) 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 case planning recommendations. The team

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

3
4 (j) Any member of a multidisciplinary team who cannot
5 ~~personally~~ attend team meetings in person or by telephone
6 may submit written reports and recommendations to the other
7 team members and to the court. Individuals who are not
8 members of the multidisciplinary team but have knowledge
9 pertinent to the team's decisions may be asked to provide
10 information to the multidisciplinary team. Such individuals
11 shall be bound by the confidentiality provisions of
12 subsection (g) of this 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 multidisciplinary team report which
4 shall include the multidisciplinary team's recommendations
5 and 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 multidisciplinary team report,
11 the multidisciplinary team's recommendations and the case
12 plan.

13
14 **Section 3.** W.S. 14-3-215 is amended and renumbered as
15 14-3-216 to read:

16
17 ~~14-3-215~~ 14-3-216. Other laws not superseded.

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

21
22 **Section 4.** W.S. 14-3-203(a)(iv), 14-3-212(c)(ii),
23 14-3-402(a)(xii)(B)(I) through (IV), 14-3-407(b),

1 14-3-427(d)(i) and (ii), 14-6-227(d)(i) and (ii) and
2 14-6-427(d)(i) and (ii) are repealed.

3

4 **Section 5.**

5

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

8

9 (b) W.S. 14-3-215(b), as created by this act, is
10 effective immediately upon completion of all acts necessary
11 for a bill to become law as provided by Article 4, Section
12 8 of the Wyoming Constitution.

13

14 (END)