

SENATE FILE NO. SF0039

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 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:*

16

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

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

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

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

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

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

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

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(v) The Wyoming supreme court or its designee; and

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(vi) The governor's appointee who shall represent families receiving services from the state

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

3

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

15

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

18

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

1

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

4

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

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

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13 **14-3-201. Purpose.**

14

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

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

6
7 **14-3-202. Definitions.**

8
9 (a) As used in W.S. 14-3-201 through ~~14-3-215~~
10 14-3-216:

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

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

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

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

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

10
11 **14-3-203. Duties of state agency; on-call services.**

12
13 (c) The state agency shall ensure that all child
14 protective service workers are trained:

15
16 (i) In the values and principles of family
17 centered child welfare practice, including balancing the
18 best interests of children with the rights of parents;

19
20 (ii) In the duty of the workers to inform the
21 individual subject to a child abuse or neglect allegation,
22 at the earliest opportunity during the initial contact, of
23 the specific complaints or allegations made against the
24 individual;

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

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

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

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;

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

21

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

24

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 child protective agency is able
18 through investigation to substantiate a case of abuse or
19 neglect, it shall notify the person suspected of causing
20 the abuse or neglect of his right to request a hearing
21 pursuant to the Wyoming Administrative Procedure Act,
22 unless a court has also found that the substantiated abuse
23 or neglect occurred;
24

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 receiving department services
24 who is under the age of six (6) years to the department of

health, division of developmental disabilities preschool
program for educational and developmental screening and
assessment.

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

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

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

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

1

2

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

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

6

7

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

9

10

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

11

12

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

14

15

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

17

18

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

21

22

(H) Any other relevant information.

23

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

13

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

16

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

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

16
17 (i) Accept physical custody of the child;

18
19 (ii) Make every reasonable efforts, when it is
20 in the best interests of the child, to inform the parent,
21 noncustodial parent or other person responsible for the
22 child's welfare that the child has been taken into
23 temporary protective custody;

24

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

20
21 (iv) Initiate an investigation of the
22 allegations; and

23

1 (v) Assess the child's mental and physical
2 needs, provide for the child's ordinary and emergency
3 medical care and seek emergency court authorization for any
4 extraordinary medical care that is needed prior to the
5 shelter care hearing.

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

1

2 (c) Temporary protective custody shall not exceed
3 ~~seventy-two (72)~~ forty-eight (48) hours, excluding weekends
4 and legal holidays.

5

6 (d) When ~~necessary for the best interest or welfare~~
7 ~~of a child, a~~ the court ~~may order medical or nonmedical~~
8 ~~remedial health care notwithstanding the absence of a prior~~
9 ~~finding of child abuse or neglect.~~ orders the child into
10 the legal custody of the department pursuant to W.S.
11 14-3-409(d) or 14-3-429, the department shall:

12

13 (i) Accept legal custody of the child;

14

15 (ii) Continue or arrange for, care,
16 transportation and supervision of the child as provided in
17 paragraph (a)(ii) of this section;

18

19 (iii) Assess the child's mental and physical
20 health needs and provide for the child's ordinary and
21 emergency medical care;

22

1 (iv) Arrange for the provision of the education
2 of the child, including participation in individualized
3 education or developmental services;

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

8
9 (vi) Perform any other duties ordered by the
10 court relating to the care or custody of the child.

11
12 **14-3-212. Child protection teams; creation;**
13 **composition; duties; records confidential.**

14
15 (a) The state agency and the local child protective
16 agency shall encourage and assist in the creation of ~~multi-~~
17 ~~disciplinary~~ child protection teams within the communities
18 in the state. The purposes of the child protection teams
19 shall be to identify or develop community resources to
20 serve abused and neglected children within the community,
21 to advocate for improved services or procedures for such
22 children and to provide information and assistance to the
23 state agency, local child protection agency and
24 multidisciplinary teams, if a multidisciplinary team has

1 been appointed. The department may promulgate reasonable
2 rules and regulations in accordance with the Wyoming
3 Administrative Procedure Act to govern the roles and
4 procedures of child protection teams.

5
6 (b) The local child protection team shall be composed
7 of:

8
9 (iii) A representative from the local field
10 office of the department of family services;

11
12 (iv) A representative from the county
13 government;

14
15 (v) A representative from each city and town in
16 the county;

17
18 ~~(iii)~~ (vi) Representatives from other relevant
19 professions; and

20
21 ~~(iv)~~ (vii) Temporary members selected for the
22 needs of a particular case as determined by the team.

23
24 (c) The local child protection team may:

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2

(iii) ~~Provide an adequate treatment plan~~

3

Coordinate the provision of appropriate services for ~~the~~

4

abused and neglected ~~child~~ children and ~~his family.~~ their

5

families;

6

7

(iv) Identify or develop community resources to

8

serve abused and neglected children and advocate for

9

improved services and procedures for such children;

10

11

(v) Identify training needs, sponsor training

12

and raise community awareness of child protection issues;

13

and

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15

(vi) Assist and make recommendations of

16

appropriate services in individual cases brought to it by

17

the state agency or the local child protection agency.

18

19

(d) The local child protection team shall not act as

20

a multidisciplinary team, but members of the child

21

protection team may serve on a multidisciplinary team if

22

appointed pursuant to W.S. 14-3-427.

23

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

3

4 **14-3-214. Confidentiality of records; penalties;**
5 **access to information; attendance of school officials at**
6 **interviews; access to central registry records pertaining**
7 **to child protection cases.**

8

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

17

18 **14-3-402. Definitions.**

19

20 (a) As used in this act:

21

22 (x) "Legal custody" means a legal status created
23 by court order which vests in a custodian the right to have
24 physical custody of a minor, the right and duty to protect,

1 train and discipline a minor, the duty to provide him with
2 food, shelter, clothing, transportation, ordinary medical
3 care, education and in an emergency, the right and duty to
4 authorize surgery or other extraordinary medical care. The
5 rights and duties of legal custody are subject to the
6 rights and duties of the guardian of the person of the
7 minor, and to residual parental rights and duties;

8
9 (xii) "Neglected child" means a child:

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

16
17 (B) Who has ~~been abused by the inflicting~~
18 ~~or causing of physical or mental injury, harm or imminent~~
19 ~~danger to the physical or mental health or welfare of the~~
20 ~~child, other than by accidental means, including~~
21 ~~abandonment, excessive or unreasonable corporal punishment,~~
22 ~~malnutrition or substantial risk thereof by reason of~~
23 ~~intentional or unintentional neglect, and the commission or~~
24 ~~allowing the commission of a sexual offense against a child~~

1 ~~as defined by law~~ been subjected to abuse as defined in
2 W.S. 14-3-202(a)(ii):

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

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

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

1 transferred from the law enforcement officer, physician,
2 physician's assistant or nurse practitioner to the local
3 child protection agency as soon as practicable to
4 facilitate such care. Temporary protective custody divests
5 the parent or custodian of his right to the custody and
6 control of the child;

7
8 (xx) "Transportation" means as defined in W.S.
9 14-3-202(a) (xvii);

10
11 ~~(xviii)~~ (xxi) "This act" means W.S. 14-3-401
12 through 14-3-440.

13
14 **14-3-405. Taking of child into custody; when**
15 **permitted.**

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

22
23 (b) A child may be taken into temporary protective
24 custody by a physician, physician's assistant or nurse

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

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

1 and welfare, would be in imminent danger of his life,
2 health or safety, may:

3
4 (i) Issue an ex parte order or search warrant.
5 The order shall place the child in the temporary protective
6 custody of the local child protection agency;

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

12
13 (d) Temporary protective custody shall not exceed
14 forty-eight (48) hours, excluding weekends and legal
15 holidays.

16
17 (e) When necessary for the best interest or welfare
18 of the child in temporary protective custody, a court may
19 order medical or other necessary health care, including
20 mental health and substance abuse care, notwithstanding the
21 absence of a prior finding of child abuse or neglect.

22

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

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

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

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

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

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

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

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

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

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

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

4
5 **14-3-427. Predisposition studies and reports.**

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

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

21
22 (iii) The presence of child abuse and neglect or
23 domestic violence histories, past acts of violence,
24 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 neglected, 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; ~~and~~

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;

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, 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 the department case plan in a standard format
6 established by the 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
12 department case 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;

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

3
4 (viii) The foster parent.

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

9
10 (iii) The child;

11
12 (iv) A relative;

13
14 (v) 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)~~ (vi) 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 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 **14-6-427. 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;

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;

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 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 the department case plan in a standard format
6 established by the 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
12 department case 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, 2005.

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)