

ENROLLED ACT NO. 108, SENATE

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AN ACT relating to juveniles; amending provisions relating to child protection, the Juvenile Court Act and children in need of supervision; amending provisions relating to multidisciplinary team and child protection teams as specified; providing access to juvenile records as specified; creating an interagency children's collaborative to review cases in which children are taken into state custody; amending duties of the department of family services; amending definitions; amending standards of proof as specified; requiring notice as specified; specifying duties; granting rulemaking authority; conforming provisions; repealing provisions; and providing for an effective date.

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

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

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

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

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

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

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

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

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

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

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

(ii) The review of cases in which more than one (1) state agency provides services to the child and his family; and

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

Section 2. W.S. 14-3-201, 14-3-202(a)(intro), (x), (xi) and by creating new paragraphs (xv) through (xvii), 14-3-203 by creating a new subsection (c), 14-3-204(a)(ii), (iii), (iv), by creating a new paragraph (v) and by renumbering (v) through (vii) as (vi) through (viii) and by creating a new paragraph (ix), 14-3-206(a) and (c)(intro), 14-3-208, 14-3-212(a), (b) by creating new paragraphs (iii) through (v), by renumbering (iii) and (iv) as (vi) and (vii), (c)(iii), by creating new paragraphs (iv) through

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(vi), by creating a new subsection (d) and by renumbering (d) as (e), 14-3-214(b)(intro), 14-3-402(a)(x), (xii)(A), (B)(intro), (xvi)(intro), by creating new paragraphs (xviii) through (xx) and renumbering (xviii) as (xxi), 14-3-405(a)(intro) and by creating new subsections (b) through (e), 14-3-406(a)(intro) and (b), 14-3-407(a), (c) and by creating a new subsection (d), 14-3-408(a), 14-3-427(a)(intro), (ii) through (v), (b), (c)(ii), (iv), (v), by creating new paragraphs (vi) through (viii), (d) by creating new paragraphs (iii) through (v), by amending and renumbering (iii) as (vi), (e), (j) and by creating new subsections (k) through (o), 14-6-227(a)(intro), (ii) through (v), (b), (c)(ii), (iv), (v), by creating new paragraphs (vi) through (viii), (d) by creating new paragraphs (iii) through (v), by amending and renumbering (iii) as (vi), (e), (f), (j) and by creating new subsections (k) through (o) and 14-6-427(a)(intro), (ii) through (v), (b), (c)(ii), (iv), (v), by creating new paragraphs (vi) through (viii), (d) by creating new paragraphs (iii) through (v), by amending and renumbering (iii) as (vi), (e), (j) and by creating new subsections (k) through (o) are amended to read:

14-3-201. Purpose.

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

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life whenever possible and to provide permanency for the child in appropriate circumstances. The child's health, safety and welfare shall be of paramount concern in implementing and enforcing this article.

14-3-202. Definitions.

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

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

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

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

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

(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.

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

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

(i) In the principles of family centered practice that focus on providing services to the entire family to achieve the goals of safety and permanency for children, including balancing the best interests of children with the rights of parents;

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

(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:

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(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. The representative of the child protective agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation or assessment, advise the individual of the specific complaints or allegations made against the individual. 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 protective agency is denied reasonable access to a child by a parent or other persons and the agency deems that the best interest of the child so requires, it shall seek an appropriate court order by ex parte proceedings or other appropriate proceedings to see the child. ‡ The child protective agency shall assign a report:

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

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

(II) A child fatality, major injury or sexual abuse has occurred.

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

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

(v) If the child protective agency is able through investigation to substantiate a case of abuse or neglect, it shall notify the person suspected of causing the abuse or neglect of his right to request a hearing pursuant to the Wyoming Administrative Procedure Act;

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

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

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

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(ix) Refer a child receiving department services 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:

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

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

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

(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;

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

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

(H) Any other relevant information.

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

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

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

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~~or court order and without the consent of the parents, guardians or others exercising temporary or permanent control over the child. Any person taking a child into temporary protective custody pursuant to W.S. 14-3-405(a) and (b), the person taking custody shall as soon as possible immediately notify the appropriate local child protective agency. Upon notification, the local child protective agency shall initiate an investigation of the notification and make every reasonable effort to inform the parent or other person responsible for the child's welfare that the child has been taken into temporary protective custody~~ department of family services office and place or transfer temporary protective custody to the local department of family services office as soon as practicable. The local department of family services office shall:

(i) Accept physical custody of the child;

(ii) Make reasonable efforts to inform the parent, noncustodial parent or other person responsible for the child's welfare that the child has been taken into temporary protective custody, unless otherwise ordered by a court of competent jurisdiction;

(iii) Arrange for care and supervision of the child in the most appropriate and least restrictive setting necessary to meet the child's needs, including foster homes or other child care facilities certified by the department or approved by the court. When it is in the best interest of the child, the department shall place the child with the child's noncustodial birth parent or with the child's extended family, including adult siblings, grandparents, great-grandparents, aunts or uncles. Prior to approving placement with the child's noncustodial birth parent or extended family, the department shall determine whether

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anyone living in the home has been convicted of a crime involving serious harm to children or has a substantiated case listed on the central registry established pursuant to W.S. 14-3-213. The department may leave the child in the care of a physician or hospital when necessary to ensure the child receives proper care. A neglected child shall not be placed in a jail or detention facility other than for a delinquent act;

(iv) Initiate an investigation of the allegations; and

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

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

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

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

(i) Accept legal custody of the child;

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

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

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

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

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

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

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

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

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

(iv) A representative from the county government;

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

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

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

(c) The local child protection team may:

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

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

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

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

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

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

**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
and form prescribed by the state agency. Upon appropriate
application, the state agency shall give access to any of
the following persons or agencies for purposes directly

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related with the administration of W.S. 14-3-201 through
~~14-3-215~~ 14-3-216:

14-3-402. Definitions.

(a) As used in this act:

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

(xii) "Neglected child" means a child:

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

(B) Who has ~~been abused by the inflicting or causing of physical or mental injury, harm or imminent 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) :

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

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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 exercising temporary or permanent control over the child when:

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

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

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

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

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

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

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

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

(b) Any person taking a child into temporary protective custody under this act shall as soon as possible notify the child's parent, guardian or custodian. Unless the child's shelter care is authorized by court order or required for one (1) of the reasons in subsection (a) of this section, the child shall be released to the care of his parent, guardian, custodian or other responsible adult

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upon that person's written promise to present the child before the court upon request.

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

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

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

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

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

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

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14-3-427. Predisposition studies and reports.

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

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

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

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

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

(b) Within ten (10) days after a petition is filed alleging a child is neglected, the court shall appoint a

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multidisciplinary team. Upon motion by a party, the court may add or dismiss a member of the multidisciplinary team.

(c) The multidisciplinary team shall include the following:

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

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

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

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

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

(viii) The foster parent.

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

(iii) The child;

(iv) A relative;

(v) If the predispositional study indicates a parent or child has special needs, an appropriate representative of the department of health's substance abuse, mental health or developmental disabilities division

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

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

(e) The multidisciplinary team shall review the child's personal and family history, school records, mental health records and department of family services records and any other pertinent information, for the purpose of making case planning recommendations. To the extent appropriate, the team shall involve the child in the development of the recommendations.

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

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

(m) If the child is placed outside the home, the multidisciplinary team shall meet quarterly to review the child's and the family's progress toward meeting the goals or expectations in the case plan and the multidisciplinary

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team shall provide a written report with recommendations to the court prior to each review hearing.

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

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

14-6-227. Predisposition studies and reports.

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

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

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

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

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

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

(b) Within ten (10) days after a petition is filed alleging a child is delinquent, the court shall appoint a multidisciplinary team. Upon motion by a party, the court may add or dismiss a member of the multidisciplinary team.

(c) The multidisciplinary team shall include the following:

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

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

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

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

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

(viii) The foster parent.

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

(iii) The child;

(iv) A relative;

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

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

(e) The multidisciplinary team shall, as quickly as reasonably possible, review the child's personal and family history, school, mental health and department of family services records and any other pertinent information, for the purpose of making sanction recommendations. The team shall involve the child in the development of recommendations to the extent appropriate.

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

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

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

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

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

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

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

14-6-427. Predisposition studies and reports.

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

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

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

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

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

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(b) Within ten (10) days after a petition is filed alleging a child is in need of supervision, the court shall appoint a multidisciplinary team. Upon motion by a party, the court may add or dismiss a member of the multidisciplinary team.

(c) The multidisciplinary team shall include the following:

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

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

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

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

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

(viii) The foster parent.

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

(iii) The child;

(iv) A relative;

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

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

(e) The multidisciplinary team shall, as quickly as reasonably possible, review the child's personal and family history, school, mental health and department of family services records and any other pertinent information, for the purpose of making case planning recommendations. The team shall involve the child in the development of recommendations to the extent appropriate.

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

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

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

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

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

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

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

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

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

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Section 5.

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk