

ORIGINAL HOUSE
BILL NO. 0076

ENROLLED ACT NO. 10, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

AN ACT relating to the central registry of child protection cases; amending requirements for the operation of the central registry for child protection cases; establishing a criminal offense for sanctioning an employee for reporting child abuse or neglect as specified; establishing criminal offenses for filing false reports; amending definitions; and providing for an effective date.

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

Section 1. W.S. 14-3-202(a)(x) and (xi), 14-3-205 by creating new subsections (c) and (d), 14-3-213(a), (b)(intro), (ii), (iii), by creating a new paragraph (iv), (c), (d)(i), (ii) and (e) and 14-3-214(b) by creating a new paragraph (viii) and (f) are amended to read:

14-3-202. Definitions.

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

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

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

14-3-205. Child abuse or neglect; persons required to report.

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(c) Any employer, public or private, who discharges, suspends, disciplines or penalizes an employee solely for making a report of neglect or abuse under W.S. 14-3-201 through 14-3-215 is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(d) Any person who knowingly and intentionally makes a false report of child abuse or neglect, or who encourages or coerces another person to make a false report of child abuse or neglect, is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

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

(a) The state agency shall establish and maintain ~~within the statewide~~ a record of all child protection ~~center~~ reports and a central registry of "under investigation" or "substantiated" child protection ~~eases~~ reports in accordance with W.S. 42-2-111.

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

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

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

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

(c) ~~With the approval of the local child protective agency,~~ Upon good cause shown and upon notice to the subject of ~~the~~ an "under investigation" or "substantiated" report, the state agency may list, amend, expunge or remove any record from the central registry in accordance with rules and regulations adopted by the state agency.

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

(i) "Under investigation"; or

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

(e) Within six (6) months ~~any report~~ all reports classified as "under investigation" shall be reclassified as ~~"founded substantiated"~~ "founded substantiated" or ~~"closed" depending upon the results of expunged from the central registry, unless the state agency is notified of an open criminal investigation or criminal prosecution.~~ Unfounded Unsubstantiated reports shall not be ~~expunged from~~ contained within the central registry.

14-3-214. Confidentiality of records; penalties; access to information; attendance of school officials at

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

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

(f) Upon appropriate application, the state agency shall provide to any chapter of a nationally recognized youth organization, child caring facility certified under W.S. 14-4-101 et seq., public or private school or state institution for employee or volunteer screening purposes a summary of central registry records maintained under ~~department of family services~~ state agency rules since December 31, 1986, ~~concerning child abuse involving a named individual or confirm that no records exist for purposes of screening employees or volunteers.~~ The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the existence of a report "under investigation" or a "substantiated" finding of abuse or neglect. Otherwise, the state agency shall provide the results of the records check to the applicant by United States mail. The written results shall confirm that there is a report "under investigation", a "substantiated" finding of abuse or neglect on the central registry naming the individual or

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confirm that no record exists. When the individual is identified on the registry as a "substantiated" perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator's voluntary statement and whether an appeal is pending. The applicant shall submit a fee of ten dollars (\$10.00) and proof satisfactory to the state agency that the prospective or current employee or volunteer whose records are being checked consents to the release of the information to the applicant. ~~Central registry screening shall be limited to substantiated reports of child abuse and neglect in which opportunities for due process have been exhausted under the Wyoming Administrative Procedure Act including an appeal through the district court level.~~ The applicant shall use the information received only for purposes of screening prospective employees and volunteers who may, through their employment or volunteer services, have unsupervised access to minors. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. ~~The state agency shall notify any applicant receiving a report under this section that a prospective employee is under investigation, of the final disposition of that investigation or whether an appeal is pending.~~ The state agency shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. 14-3-213(e). The state agency shall screen all prospective agency employees in conformity with the procedure provided under this subsection.

Section 2. W.S. 14-3-213(d) (iii) is repealed.

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Section 3. This act is effective July 1, 2005.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk