

HOUSE BILL NO. HB0128

Central registry of child protection cases.

Sponsored by: Representative(s) Mercer, Buchanan, Cohee
and Shepperson and Senator(s) Ross

A BILL

for

1 AN ACT relating to the central registry of child protection
2 cases; amending definitions; specifying requirements for
3 "substantiated" cases of child abuse or neglect;
4 eliminating "under investigation" cases from the central
5 registry; repealing conflicting provisions; requiring
6 removal of pending cases "under investigation" from the
7 central registry as specified; and providing for an
8 effective date.

9

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

11

12 **Section 1.** W.S. 14-3-202(a)(x) and (xi),
13 14-3-204(a)(v), 14-3-213(a), (b)(iv), (c) and (e) and
14 14-3-214(f) are amended to read:

15

16 **14-3-202. Definitions.**

1

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

3

4 (x) "Unsubstantiated report" means any report
5 made pursuant to W.S. 14-3-201 through 14-3-216 that, ~~upon~~
6 ~~investigation,~~ is not ~~supported by a preponderance of the~~
7 ~~evidence~~ substantiated;

8

9 (xi) "Substantiated report" means any report of
10 child abuse or neglect made pursuant to W.S. 14-3-201
11 through 14-3-216 that, ~~upon investigation, is~~ results in:

12

13 (A) A finding by the office of
14 administrative hearings, supported by a preponderance of
15 the evidence, that child abuse or neglect has occurred;

16

17 (B) A finding by a court, supported by a
18 preponderance of the evidence, that child abuse or neglect
19 has occurred; or

20

21 (C) An admission that the abuse or neglect
22 has occurred by the person accused of the child abuse or
23 neglect, who has signed an acknowledgement that includes
24 advice on the possible consequences of the admission and of

1 being listed on the central registry established pursuant
2 to W.S. 14-3-213.

3
4 **14-3-204. Duties of local child protective agency.**

5
6 (a) The local child protective agency shall:

7
8 (v) If the child protective agency is able
9 through investigation to substantiate a case of abuse or
10 neglect, it shall notify the person suspected of causing
11 the abuse or neglect of his right to request a hearing for
12 final determination before the office of administrative
13 hearings pursuant to the Wyoming Administrative Procedure
14 Act;

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

20
21 (a) The state agency shall establish and maintain a
22 record of all child protection reports and a central
23 registry of ~~"under investigation" or "substantiated"~~ child
24 protection reports in accordance with W.S. 42-2-111.

1

2 (b) Through the recording of reports, the state
3 agency's recordkeeping system shall be operated to enable
4 the state agency to:

5

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

10

11 (c) Upon good cause shown and upon notice to the
12 subject of ~~an "under investigation" or a~~ "substantiated"
13 report, the state agency may list, amend, expunge or remove
14 any record from the central registry in accordance with
15 rules and regulations adopted by the state agency.

16

17 (e) ~~Within six (6) months all reports classified as~~
18 ~~"under investigation" shall be reclassified as~~
19 ~~"substantiated" or expunged from the central registry,~~
20 ~~unless the state agency is notified of an open criminal~~
21 ~~investigation or criminal prosecution.~~ Unsubstantiated
22 reports shall not be contained within the central registry.

23 Notwithstanding W.S. 42-2-110(a), the state agency shall
24 promptly remove any record from the central registry upon a

1 finding that allegations of child abuse or neglect are
2 unsubstantiated by the office of administrative hearings in
3 a contested case hearing requested pursuant to W.S.
4 14-3-204(a)(v).

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

10
11 (f) Upon appropriate application, the state agency
12 shall provide to any chapter of a nationally recognized
13 youth organization, child caring facility certified under
14 W.S. 14-4-101 et seq., public or private school or state
15 institution for employee or volunteer screening purposes a
16 summary of central registry records maintained under state
17 agency rules since December 31, 1986, for purposes of
18 screening employees or volunteers. The state agency shall
19 provide the results of the records check to the applicant
20 by certified mail if the records check confirms the
21 existence of a ~~report "under investigation" or a~~
22 "substantiated" finding of abuse or neglect. Otherwise,
23 the state agency shall provide the results of the records
24 check to the applicant by United States mail. The written

1 results shall confirm that there is a ~~report~~ "under
2 ~~investigation",~~ a "substantiated" finding of abuse or
3 neglect on the central registry naming the individual or
4 confirm that no record exists. When the individual is
5 identified on the registry as a "substantiated" perpetrator
6 of abuse or neglect, the report to the applicant shall
7 contain information with respect to the date of the
8 finding, specific type of abuse or neglect, a copy of the
9 perpetrator's voluntary statement and whether an appeal is
10 pending. The applicant shall submit a fee of ten dollars
11 (\$10.00) and proof satisfactory to the state agency that
12 the prospective or current employee or volunteer whose
13 records are being checked consents to the release of the
14 information to the applicant. The applicant shall use the
15 information received only for purposes of screening
16 prospective employees and volunteers who may, through their
17 employment or volunteer services, have unsupervised access
18 to minors. Applicants, their employees or other agents
19 shall not otherwise divulge or make public any information
20 received under this section. The state agency shall notify
21 any applicant receiving information under this subsection
22 of any subsequent reclassification of the information
23 pursuant to W.S. 14-3-213(e). The state agency shall screen

1 all prospective agency employees in conformity with the
2 procedure provided under this subsection.

3

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

5

6 **Section 3.** Any report of child abuse or neglect that
7 is "under investigation" and contained in the central
8 registry of child protection on July 1, 2008, shall be
9 removed from the central registry until such time as the
10 report is classified as "substantiated".

11

12 **Section 4.** This act is effective July 1, 2008.

13

14

(END)