

## HOUSE BILL NO. HB0011

Qualified residential treatment programs.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to children; requiring an assessment for  
 2 children placed in a qualified residential treatment  
 3 program; requiring court review and presentation of  
 4 information about the program; defining terms; making  
 5 conforming amendments; and providing for an effective date.

6

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

8

9       **Section 1.** W.S. 14-3-402(a) by creating new  
 10 paragraphs (xxv) and (xxvi) and by amending and renumbering  
 11 (xxv) as (xxvii), 14-3-429(c) by creating a new paragraph  
 12 (v), 14-3-431(c)(intro) and (j) by creating a new paragraph  
 13 (iii), 14-6-201(a) by creating new paragraphs (xxvii) and  
 14 (xxviii) and by renumbering (xxvii) as (xxix),  
 15 14-6-229(e)(ii)(B)(I)(1), (2), by creating a new  
 16 subdivision (3) and by creating a new paragraph (vi),

1 14-6-402(a) by creating new paragraphs (xxiv) and (xxv) and  
2 14-6-429(c)(i)(B)(I)(1), (2), by creating a new subdivision  
3 (3) and by creating a new paragraph (v) are amended to  
4 read:

5

6 **14-3-402. Definitions.**

7

8 (a) As used in this act:

9

10 (xxv) "Qualified individual" means a person who  
11 meets the requirements of 42 U.S.C. § 675a(c)(1)(D);

12

13 (xxvi) "Qualified residential treatment program"  
14 means a program that meets the requirements of 42 U.S.C.  
15 § 672(k)(4);

16

17 ~~(xxv)~~(xxvii) "This act" means W.S. 14-3-401  
18 through ~~14-3-440~~14-3-441.

19

20 **14-3-429. Decree where child adjudged neglected;**  
21 **dispositions; terms and conditions; legal custody.**

22

1           (c) In cases where a child is ordered removed from  
2 the child's home:

3  
4           (v) If the child is placed in a qualified  
5 residential treatment program:

6  
7           (A) Within thirty (30) days of the  
8 placement a qualified individual shall conduct an  
9 assessment to determine whether the child's needs can be  
10 met through placement with family members or in a foster  
11 family home, or if the placement in a qualified residential  
12 treatment program provides the most effective and  
13 appropriate level of care for the child in the least  
14 restrictive environment consistent with short-term and  
15 long-term goals of the child and the child's permanency  
16 plan;

17  
18           (B) Within sixty (60) days of the placement  
19 the court shall:

20  
21           (I) Consider the assessment completed  
22 pursuant to subparagraph (A) of this paragraph;

23

1                   (II) Determine whether the child's  
2 needs can be met through placement in a foster family home  
3 or whether the placement in a qualified residential  
4 treatment program provides the most effective and  
5 appropriate level of care for the child in the least  
6 restrictive environment;

7  
8                   (III) Determine whether the placement  
9 is consistent with short-term and long-term goals of the  
10 child, as specified in the child's permanency plan;

11  
12                   (IV) Approve or disapprove the  
13 placement.

14  
15           **14-3-431. Duration of orders of disposition;**  
16 **termination of orders; permanency hearings; petition for**  
17 **termination of parental rights.**

18  
19           (c) The court shall conduct a review hearing six (6)  
20 months from the date of the child's removal from the home  
21 and every six (6) months thereafter. If the child is placed  
22 in a qualified residential treatment program, the  
23 department of family services shall present to the court at

1 the six (6) month review hearing the information required  
2 under subparagraphs (j)(iii)(A) through (D) of this  
3 section. At the six (6) month review hearing the court  
4 shall review the case plan to determine:

5

6 (j) At the permanency hearing, the department of  
7 family services shall present to the court:

8

9 (iii) If the child is placed in a qualified  
10 residential treatment program:

11

12 (A) Information to show that ongoing  
13 assessment of the child's strengths and needs continues to  
14 support the determination that placement in a qualified  
15 residential treatment program provides the most effective  
16 and appropriate level of care for the child in the least  
17 restrictive environment consistent with the short-term and  
18 long-term goals of the child and the child's permanency  
19 plan;

20

21 (B) The specific treatment needs that will  
22 be met for the child in the placement;

23

1                   (C) The length of time the child is  
2 expected to remain in the placement;

3  
4                   (D) The efforts made by the department of  
5 family services to prepare the child to return home or be  
6 placed for adoption or legal guardianship.

7  
8           **14-6-201. Definitions; short title; statement of**  
9 **purpose and interpretation.**

10  
11           (a) As used in this act:

12  
13                   (xxvii) "Qualified individual" means a person  
14 who meets the requirements of 42 U.S.C. § 675a(c)(1)(D);

15  
16                   (xxviii) "Qualified residential treatment  
17 program" means a program that meets the requirements of 42  
18 U.S.C. § 672(k)(4);

19  
20                   ~~(xxvii)~~(xxix) "This act" means W.S. 14-6-201  
21 through 14-6-252.

22

1           **14-6-229. Decree where child adjudged delinquent;**  
2 **dispositions; terms and conditions; legal custody.**

3

4           (e) In cases where a child is ordered removed from  
5 the child's home:

6

7                   (ii) If a child is committed or transferred to  
8 an agency or institution under this section:

9

10                           (B) Not less than once every six (6)  
11 months, the court of jurisdiction shall conduct a formal  
12 review to assess and determine the appropriateness of the  
13 current placement, the reasonable efforts made to reunify  
14 the family, the safety of the child and the permanency plan  
15 for the child. During this review:

16

17                                   (I) The department of family services  
18 shall present to the court:

19

20   (1) If the permanency plan is  
21 classified as another planned permanent living arrangement,  
22 documentation of the ongoing and unsuccessful efforts to  
23 return the child home or place the child for adoption or

1 with a legal guardian or a fit and willing relative for  
2 purposes of guardianship or adoption, including evidence of  
3 efforts to use social media or other search technology to  
4 find biological family members for the child;~~and~~

5  
6 (2) Efforts made to ensure that  
7 the child is provided, to the greatest extent possible, the  
8 opportunity to participate in age appropriate or  
9 developmentally appropriate activities and experiences as  
10 defined in W.S. 14-13-101(a)(i) to promote healthy child  
11 and adolescent development consistent with W.S. 14-13-101  
12 through 14-13-104;~~and~~

13  
14 (3) If the child is placed in a  
15 qualified residential treatment program:

16  
17 a. Information to show that  
18 ongoing assessment of the child's strengths and needs  
19 continues to support the determination that placement in a  
20 qualified residential treatment program provides the most  
21 effective and appropriate level of care for the child in  
22 the least restrictive environment consistent with the



1 short-term and long-term goals of the child and the child's  
2 permanency plan;

3  
4 b. The specific treatment  
5 needs that will be met for the child in the placement;

6  
7 c. The length of time the  
8 child is expected to remain in the placement;

9  
10 d. The efforts made by the  
11 department of family services to prepare the child to  
12 return home or be placed for adoption or legal  
13 guardianship.

14  
15 (vi) If the child is placed in a qualified  
16 residential treatment program:

17  
18 (A) Within thirty (30) days of the  
19 placement a qualified individual shall conduct an  
20 assessment to determine whether the child's needs can be  
21 met through placement with family members or in a foster  
22 family home, or if the placement in a qualified residential  
23 treatment program provides the most effective and

1 appropriate level of care for the child in the least  
2 restrictive environment consistent with the short-term and  
3 long-term goals of the child and the child's permanency  
4 plan;

5  
6 (B) Within sixty (60) days of the placement  
7 the court shall:

8  
9 (I) Consider the assessment completed  
10 pursuant to subparagraph (A) of this paragraph;

11  
12 (II) Determine whether the needs of  
13 the child can be met through placement in a foster family  
14 home or whether the placement in a qualified residential  
15 treatment program provides the most effective and  
16 appropriate level of care for the child in the least  
17 restrictive environment;

18  
19 (III) Determine whether the placement  
20 is consistent with the short-term and long-term goals for  
21 the child as specified in the child's permanency plan;

22

1                                    (IV) Approve or disapprove the  
2 placement.

3

4            **14-6-402. Definitions.**

5

6            (a) As used in this act:

7

8                                    (xxiv) "Qualified individual" means a person who  
9 meets the requirements of 42 U.S.C. § 675a(c)(1)(D).

10

11                                    (xxv) "Qualified residential treatment program"  
12 means a program that meets the requirements of 42 U.S.C. §  
13 672(k)(4);

14

15            **14-6-429. Decree where child adjudged in need of**  
16 **supervision; dispositions; terms and conditions; legal**  
17 **custody.**

18

19            (c) In cases where a child is ordered removed from  
20 the child's home:

21

22                                    (i) If a child is committed or transferred to an  
23 agency or institution under this section:

1

2 (B) Not less than once every six (6)  
3 months, the court of jurisdiction shall conduct a formal  
4 review to assess and determine the appropriateness of the  
5 current placement, the reasonable efforts made to reunify  
6 the family, the safety of the child and the permanency plan  
7 for the child. During this review:

8

9 (I) The department of family services  
10 shall present to the court:

11

12 (1) If the permanency plan is  
13 classified as another planned permanent living arrangement,  
14 documentation of the ongoing and unsuccessful efforts to  
15 return the child home or place the child for adoption or  
16 with a legal guardian or a fit and willing relative for  
17 purposes of guardianship or adoption, including evidence of  
18 efforts to use social media or other search technology to  
19 find biological family members for the child; ~~and~~

20

21 (2) Efforts made to ensure that  
22 the child is provided, to the greatest extent possible,  
23 the opportunity to participate in age appropriate or

1 developmentally appropriate activities and experiences as  
2 defined in W.S. 14-13-101(a)(i) to promote healthy child  
3 and adolescent development consistent with W.S. 14-13-101  
4 through 14-13-104; ~~and~~ and

5

6 (3) If the child is placed in a  
7 qualified residential treatment program:

8

9 a. Information to show that  
10 ongoing assessment of the child's strengths and needs  
11 continues to support the determination that placement in a  
12 qualified residential treatment program provides the most  
13 effective and appropriate level of care for the child in  
14 the least restrictive environment, consistent with the  
15 short-term and long-term goals of the child and the child's  
16 permanency plan;

17

18 b. The specific treatment  
19 needs that will be met for the child in the placement;

20

21 c. The length of time the  
22 child is expected to remain in the placement;

23

1                   d. The efforts made by the  
2 department of family services to prepare the child to  
3 return home or be placed for adoption or legal  
4 guardianship.

5  
6                   (v) If the child is placed in a qualified  
7 residential treatment program:

8  
9                   (A) Within thirty (30) days of the  
10 placement a qualified individual shall conduct an  
11 assessment to determine whether the child's needs can be  
12 met through placement with family members or in a foster  
13 family home, or if the placement in a qualified residential  
14 treatment program provides the most effective and  
15 appropriate level of care for the child in the least  
16 restrictive environment consistent with the short-term and  
17 long-term goals of the child and the child's permanency  
18 plan;

19  
20                   (B) Within sixty (60) days of the placement  
21 the court shall:

22

1                   (I) Consider the assessment completed  
2 pursuant to subparagraph (A) of this paragraph;

3  
4                   (II) Determine whether the needs of  
5 the child can be met through placement in a foster family  
6 home or whether the placement in a qualified residential  
7 treatment program provides the most effective and  
8 appropriate level of care for the child in the least  
9 restrictive environment;

10  
11                   (III) Determine whether placement is  
12 consistent with the short-term and long-term goals for the  
13 child, as specified in the child's permanency plan;

14  
15                   (IV) Approve or disapprove the  
16 placement.

17  
18           **Section 2.** This act is effective July 1, 2020.

19

20

(END)