



## Certification Page Regular and Emergency Rules

Revised June 2013

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

<b>1. General Information</b>			
a. Agency/Board Name Department of Family Services			
b. Agency/Board Address 2300 Capitol Avenue, 3rd Floor		c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Rachel Campbell		f. Contact Telephone Number 307-777-5218	
g. Contact Email Address rachel.campbell@wyo.gov		h. Adoption Date September 30, 2013	
i. Program Central Registry for Child and Disabled Adult Protection Cases			
<b>2. Rule Type and Information:</b> For each chapter listed, indicate if the rule is New, Amended, or Repealed.			
If "New," provide the Enrolled Act numbers and years enacted:			
c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed <i>(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)</i>			
Chapter Number: 1	Short Title: General Provision	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number: 3	Short Title: Central Registry Checks/Division of Criminal Investigation Prescreen	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
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Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.			
e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:			

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State:** July 22, 2013  
b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office:** July 22, 2013  
c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General:** July 22, 2013

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  Yes  No  N/A  
b. A public hearing was held on the proposed rules.  Yes  No

If "Yes:"	Date:	Time:	City:	Location:

**5. Final Filing of Rules**

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature:** September 30, 2013  
b. Date on which final rules were sent to the **Legislative Service Office:** September 30, 2013  
c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State:** September 30, 2013

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual <i>(Blue ink as per Rules on Rules, Section 7)</i>	
Printed Name of Signatory	Steve Corsi
Signatory Title	Director
Date of Signature	9/30/13

**7. Governor's Certification**

I have reviewed these rules and determined that they:

- 1. Are within the scope of the statutory authority delegated to the adopting agency;
- 2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
- 3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**Attorney General:** 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

**LSO:** 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

**SQS:** 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

## STATEMENT OF PRINCIPAL REASONS

### RULES FOR CENTRAL REGISTRY FOR CHILD AND VULNERABLE ADULT PROTECTION CASES

The Department of Family Services finds it necessary to amend Chapters 1 and 3 of the Rules for Central Registry for Child and Vulnerable Adult Protection Cases in order to ensure these Rules are consistent with practice. References to Division of Criminal Investigation (DCI) prescreens have been removed as the Department of Family Services is no longer able to conduct prescreens in combination with the Department of Family Services' Central Registry checks.

Wyoming Statutes §§ 9-2-2101, 14-3-213 through 214, 35-20-103 through 104, and 35-20-115 authorize the Department of Family Services to promulgate rules.

The proposed rule amendments were developed following input from the Department of Family Services and the Attorney General's Office.

**Wyoming Department of Family Services**

**CENTRAL REGISTRY FOR CHILD  
AND VULNERABLE ADULT PROTECTION CASES**

**CHAPTER 1  
GENERAL PROVISIONS**

**Section 1. Authority.**

These rules of the Department of Family Services regarding the Central Registry of Child and Vulnerable Adult Protection cases are promulgated pursuant to W.S. § 14-3-213 through W.S. § 14-3-214, W.S. § 35-20-103 and W.S. § 35-20-115.

**Section 2. Purpose.**

These rules are adopted to establish and maintain a central registry system to protect Wyoming children and vulnerable adults from maltreatment.

**Section 3. Severability.**

If any provision of these rules or the application thereof to any person, program, service or circumstance is held invalid, the invalidity shall not affect other provisions or applications of these rules. To the extent that these rules can be given effect without the invalid provision, the provisions of these rules are severable.

**Section 4. Statutory Changes.**

Whenever these rules refer to Wyoming statutes and those statutes are renumbered or amended, these rules shall be interpreted to reflect such changes.

**Section 5. Definitions.**

(a) "Applicant"

(i) "Applicant for child protection screens" is an organization or employer who applies to have a child abuse/neglect record check performed on a volunteer, a prospective employee or an employee who has or may have unsupervised access to minors, according to W.S. § 14-3-214.

(ii) "Applicant for vulnerable adult protection screens" is any individual, nursing home, adult care facility, educational facility, service provider of adult workshop programs or home health care provider, residential program or any service provider of programs in an institution or community-based program, or any state institution who applies for a record check performed on a volunteer, a prospective employee or an employee who has or may have unsupervised access to a vulnerable adult, according to W.S. § 35-20-116.

(b) “Central Registry”

(i) “Central Registry for child maltreatment screens” means a statewide electronic record of persons who have been the subject of a substantiated maltreatment complaint or for whom a complaint is under investigation. The record contains the findings of the child protection investigation.

(ii) “Central Registry for vulnerable adult maltreatment screens” means a statewide electronic record of persons whom the Department has substantiated as being responsible for the maltreatment of a vulnerable adult or for whom a complaint is under investigation.

The Central Registry is not a list of court adjudications. Substantiated findings are based upon a “preponderance of the evidence” standard. Unsubstantiated reports, cases in which the perpetrator was a minor, and low risk (per the Rules Governing Child Protective Services, December 1992) child protection cases do not remain on the Central Registry.

(c) “Child” means any person under the age of majority.

(d) “Central Registry Check” is the process of examining the Wyoming Department of Family Services’ computer system upon appropriate application to determine if an individual has been involved in an incident involving maltreatment of a child or vulnerable adult and is listed as being on the Central Registry.

(e) “Department” means the State of Wyoming, Department of Family Services, also known as DFS.

(f) “Low risk” means those cases where child abuse or neglect is alleged, but investigation reveals no indication of imminent harm to the child, pre the Rules and Regulations Governing Child Protective Services (December, 1992).

(g) “Maltreatment” is defined to include abuse, neglect, exploitation and abandonment, as further defined by Wyoming Statutes and Rules and Regulations governing Child Protection Services and Adult Protection Services.

(h) “Minor Incident” is defined as a classification of abuse which does not threaten the welfare or well-being of a vulnerable adult; or neglect which does not result in the deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, or other care necessary to maintain a vulnerable adult’s life or health, and does not result in a life-threatening situation.

(i) “Nationally recognized youth organization” means an organization whose main focus is to serve youth, and who is recognized, or known, in more than one state. The organization’s purposes for requesting volunteer, prospective employee or current employee Central Registry record checks must be consistent with the legislative intent of protecting

children or vulnerable adults. Additionally, the requesting organization shall be registered with the Better Business Bureau, the National Chamber of Commerce or the National Council of Charities, and non-profit corporations shall be registered with the Wyoming Secretary of State.

(j) “Perpetrator” is defined as a person who has a substantiated case of child abuse/neglect or adult maltreatment within the rules and policies of DFS.

(k) “Preponderance of the evidence” means the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe a child or vulnerable adult was abused, neglected, exploited or abandoned.

(l) “Prospective employee”

(i) Means someone who has not started working for an employer. A job offer may have been proposed, and even accepted, but until the individual starts working, employment has not commenced.

(ii) A probationary employee may be considered to be a prospective employee if an authorization of release of information was executed prior to actual employment (work done for employer), and the probation is expressly tied to a resolution of the maltreatment screening process. The authorization of release of information must have been sent to the Department within thirty (30) days from the date of authorization.

(m) “Screening of Prospective Employees and Volunteers” is the applicant’s ability to use Central Registry information in determining whether to hire a prospective employee or volunteer or dismiss a current volunteer. This information may not be used to take any personnel action against a current employee.

(n) “Substantiated Report” means any report of maltreatment, made to the Department, for which it is determined, after investigation, that preponderance of the evidence of maltreatment of a child or vulnerable adult exists.

(o) “Under investigation” means any report of maltreatment, made to the Department, for which there is no finding for a period of up to six (6) months after the investigation is initiated. After six (6) months, all reports classified as “under investigation” shall be reclassified as “substantiated” or expunged from the Central Registry unless the State Agency is notified of an open criminal investigation or criminal prosecution.

(p) “Unsubstantiated report” means any report of maltreatment, made to the Department, for which it is determined, after an investigation that no preponderance of the evidence of the alleged maltreatment exists.

(q) “Volunteer” means a person who performs a service for an organization, and who does not receive compensation for that service. “Volunteer” as used in these rules and regulations, includes both prospective and current volunteers.

(r) “Vulnerable adult” means any person eighteen (18) years of age or older who is unable to manage and take care of himself or his property without assistance as a result of advanced age or physical or mental disability.

(s) “WYCAPS” is the DFS computer system for case management and the Central Registry.

## **Section 6. Introduction.**

The Department is responsible for providing child and adult protective services to children and families. The Department will create, maintain and use the Central Registry to aid in fulfilling that responsibility.

## **Section 7. Goals**

The creation and maintenance of the Central Registry is directed toward the following four (4) goals:

(a) Identification of prior substantiated reports for use in the evaluations of current reports;

(b) Monitoring the current status of all pending cases;

(c) Collection of statistical information for use in public education and evaluation of program effectiveness.

(d) Performance of Central Registry record checks for employment purposes, on volunteers, prospective or current employees who may have unsupervised access to children and vulnerable adults, according to W.S. § 14-3-214(f) and W.S. § 35-20-115.

**Wyoming Department of Family Services**

**CENTRAL REGISTRY FOR CHILD  
AND VULNERABLE ADULT PROTECTION CASES**

**CHAPTER 1  
GENERAL PROVISIONS**

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(c) “Child” means any person under the age of majority.

(d) “Central Registry Check” is the process of examining the Wyoming Department of Family Services’ computer system upon appropriate application to determine if an individual has been involved in an incident involving maltreatment of a child or vulnerable adult and is listed as being on the Central Registry.

(e) “Department” means the State of Wyoming, Department of Family Services, also known as DFS.

~~(f) “Division of Criminal Investigation” or “DCI” is a Division of the Office of the Attorney General. This division maintains all criminal records for the State of Wyoming and provides criminal histories for agencies or individuals who are in possession of fingerprint identification of the person being checked.~~

~~(g) “Division of Criminal Investigation prescreen” is a process of examining, with limited availability, DCI’s Criminal History Records to determine if there is sufficient evidence to recommend a review of the applicant’s criminal history record.~~

~~(h)~~(f) “Low risk” means those cases where child abuse or neglect is alleged, but investigation reveals no indication of imminent harm to the child, pre the Rules and Regulations Governing Child Protective Services (December, 1992).

~~(i)~~(g) “Maltreatment” is defined to include abuse, neglect, exploitation and abandonment, as further defined by Wyoming Statutes and Rules and Regulations governing Child Protection Services and Adult Protection Services.

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~~(o)~~(m) “Screening of Prospective Employees and Volunteers” is the applicant’s ability to use Central Registry information in determining whether to hire a prospective employee or volunteer or dismiss a current volunteer. This information may not be used to take any personnel action against a current employee.

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~~(q)~~(o) “Under investigation” means any report of maltreatment, made to the Department, for which there is no finding for a period of up to six (6) months after the investigation is initiated. After six (6) months, all reports classified as “under investigation” shall be reclassified

as “substantiated” or expunged from the Central Registry unless the State Agency is notified of an open criminal investigation or criminal prosecution.

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- (c) Collection of statistical information for use in public education and evaluation of program effectiveness.
- (d) Performance of Central Registry record checks for employment purposes, on volunteers, prospective or current employees who may have unsupervised access to children and vulnerable adults, according to W.S. § 14-3-214(f) and W.S. § 35-20-115.

**Wyoming Department of Family Services**

**CENTRAL REGISTRY FOR CHILD  
AND VULNERABLE ADULT PROTECTION CASES**

**CHAPTER 3  
CENTRAL REGISTRY CHECKS**

**Section 1. Eligibility.**

Central Registry record checks concerning children and vulnerable adults shall be conducted by the Department upon proper application.

(a) Child Abuse/Neglect: Record checks of the child abuse registry may be requested by the following: any chapter of a nationally recognized youth organization, a child caring facility certified under W.S. § 14-4-101 (*et seq.*), a public or private school or any state institution. Record checks will only be performed on volunteers and prospective employees who may have unsupervised access to children, and who authorize the release of child abuse/neglect record information regarding them, according to W.S. § 14-3-214.

(b) Vulnerable Adult Abuse/Neglect, Exploitation, or Abandonment: Record checks for abuse, neglect, exploitation and abandonment of vulnerable adults may be requested by the following: any individual, nursing home, adult care facility, educational facility, service provider of adult workshop programs or home health care provider, residential programs or any service provider or program in an institution or community-based program, or to any state institution. Record checks will be performed for volunteers and prospective employees and employees who may have unsupervised access to vulnerable adults and who authorize the release of abuse, neglect, exploitation and abandonment record information regarding them, per W.S. § 35-20-116.

**Section 2. Application.**

(a) The Department shall receive and process all requests for Central Registry record checks which:

(i) Are in writing and legible (preferably typed);

(ii) Are accompanied by an Authorization of Release of Information form, which must be signed by the volunteer, prospective employee or employees and must contain the following information:

(A) Last, middle, and first names;

(B) Aliases and nicknames;

- (C) Maiden name and prior married names;
- (D) Social security number;
- (E) Race;
- (F) Sex;
- (G) Date of birth;
- (H) Current address;
- (I) All addresses for the past ten (10) years; and
- (J) Include a pre-stamped, pre-addressed envelope.

(b) The person being checked may voluntarily submit the names of the prospective or volunteer employee's children.

(c) Record checks will be completed within ten (10) working days of the receipt of the requests.

### **Section 3. Payment for Service.**

(a) The applicant shall include a check or money order, payable to the State of Wyoming, in the amount of Ten Dollars (\$10.00), multiplied by the number of record checks requested. If the organization pays by check, it should use a check drawn on the organization's account.

(b) Arrangements must be made in advance with the Department if the employer or state agency wants to be billed or to perform a budget to budget transfer.

### **Section 4. Processing of Requests.**

(a) The Department shall check for an individual's presence on the Central Registry using the information on the submitted authorization form. Accuracy will be determined by:

- (i) A reasonable and factual basis that the name on the Central Registry and the one submitted are one and the same; and
- (ii) File review; or
- (iii) Police records; or
- (iv) Court records; or

(v) Written statements from Department staff who can attest to the facts to ensure the accuracy of the information; or

(vi) Telephone contact with the subject of the application.

(b) If examination of the data submitted by the applicant matches a name in the Department records, the Department shall report to the requesting agency the individual is listed on the Central Registry. If it is more likely than not the individual who is the subject of the request is not an individual whose name is on the Central Registry, the Department shall report to the applicant the individual is not listed on the Central Registry. The State Office Consultant and the Field Office Manager or Designee will review case file information to determine if:

(i) Identifying information is correct;

(ii) There is a pending appeal;

(iii) Findings on the Central Registry are supported by documentation in the file;

(iv) There is a voluntary statement.

(c) When the case file has been destroyed and other supportive documentation is not available through court records, or police records, or by Department staff affidavits, information provided to the applicant will indicate that the name did not appear on the Central Registry.

(d) The Department 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 Department shall provide the results of the records check to the applicant by United States mail.

### **Section 5. Results of Record Checks.**

(a) The Department will return a copy of the SS-26 form, Authorization of Release of Child or Vulnerable Adult Central Registry to the applicant, informing him/her of the search results.

(b) When the individual being checked is named in a case which is listed as “under investigation,” the Department shall notify the applicant that, according to Department records, the volunteer or prospective employee or employee is under investigation. The Department shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. § 14-3-213(e).

(c) When the individual being checked is named on a substantiated allegation, the Department will notify the applicant that the individual was named as a perpetrator on a substantiated allegation. If the

individual was mentioned on more than one substantiated allegation, all of the allegations will be listed. The following information about each substantiated allegation shall be released to the applicant:

- (i) Date of finding;
- (ii) Maltreatment type;
- (iii) A copy of the perpetrator's voluntary statement, if submitted; and
- (iv) Any information of a pending appeal.

(d) If the perpetrator was a minor at the time of the incident, the Department will not reveal any information about the allegation. If the minor was tried as an adult in criminal court on charges arising from the same incident, information about the allegation may be released in accordance with these rules.

Wyoming Department of Family Services

CENTRAL REGISTRY FOR CHILD  
AND VULNERABLE ADULT PROTECTION CASES

CHAPTER 3  
CENTRAL REGISTRY CHECKS/~~DIVISION~~  
~~OF CRIMINAL INVESTIGATION PRESCREENS~~

**Section 1. Eligibility.**

Central Registry record checks concerning children and vulnerable adults shall be conducted by the Department upon proper application.

(a) Child Abuse/Neglect: Record checks of the child abuse registry may be requested by the following: any chapter of a nationally recognized youth organization, a child caring facility certified under W.S. § 14-4-101 (*et seq.*), a public or private school or any state institution. Record checks will only be performed on volunteers and prospective employees who may have unsupervised access to children, and who authorize the release of child abuse/neglect record information regarding them, according to W.S. § 14-3-214.

(b) Vulnerable Adult Abuse/Neglect, Exploitation, or Abandonment: Record checks for abuse, neglect, exploitation and abandonment of vulnerable adults may be requested by the following: any individual, nursing home, adult care facility, educational facility, service provider of adult workshop programs or home health care provider, residential programs or any service provider or program in an institution or community-based program, or to any state institution. Record checks will be performed for volunteers and prospective employees and employees who may have unsupervised access to vulnerable adults and who authorize the release of abuse, neglect, exploitation and abandonment record information regarding them, per W.S. § 35-20-116.

**Section 2. Application.**

(a) The Department shall receive and process all requests for Central Registry record checks and ~~DCI prescreens~~ which:

- (i) Are in writing and legible (preferably typed);
- (ii) Are accompanied by an Authorization of Release of Information form, which must be signed by the volunteer, prospective employee or employees and must contain the following information:

- (A) Last, middle, and first names;

- (B) Aliases and nicknames;
- (C) Maiden name and prior married names;
- (D) Social security number;
- (E) Race;
- (F) Sex;
- (G) Date of birth;
- (H) Current address;
- (I) All addresses for the past ten (10) years; and
- (J) Include a pre-stamped, pre-addressed envelope; and.

(b) ~~The P~~person being checked may voluntarily submit the names of the prospective or volunteer employee's children;

(c) Record checks will be completed within ten (10) working days of the receipt of the requests.

### **Section 3. Payment for Service.**

(a) The applicant shall include a check or money order, payable to the State of Wyoming, in the amount of Ten Dollars (\$10.00), multiplied by the number of record checks requested. If the organization pays by check, it should use a check drawn on the organization's account. ~~This payment includes DCI prescreening.~~

(b) Arrangements must be made in advance with the Department if the employer or state agency wants to be billed or to perform a budget to budget transfer.

### **Section 4. Processing of Requests.**

(a) The Department shall check for an individual's presence on the Central Registry using the information on the submitted authorization form. Accuracy will be determined by:

(i) A reasonable and factual basis that the name on the Central Registry and the one submitted ~~for screening~~ are one and the same; and

(ii) File review; or

(iii) Police records; or

(iv) Court records; or

(v) Written statements from Department staff who can attest to the facts to ensure the accuracy of the information; or

(vi) Telephone contact with the subject of the application.

(b) If examination of the data submitted by the applicant matches a name in the Department records, the Department shall report to the requesting agency the individual is listed on the Central Registry. If it is more likely than not the individual who is the subject of the request is not an individual whose name is on the Central Registry, the Department shall report to the applicant the individual is not listed on the Central Registry. The State Office Consultant and the Field Office Manager or Designee will review case file information to determine if:

(i) Identifying information is correct;

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(c) When the case file has been destroyed and other supportive documentation is not available through court records, or police records, or by Department staff affidavits, information provided to the applicant will indicate that the name did not appear on the Central Registry.

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### **Section 5. Results of Record Checks.**

(a) The Department will return a copy of the SS-26 form, Authorization of Release of Child or Vulnerable Adult Central Registry and Wyoming Criminal History Record Information, to the applicant, informing him/her of the search results.

(b) When the individual being checked is named in a case which is listed as “under investigation,” the Department shall notify the applicant that, according to Department records, the volunteer or prospective employee or employee is under investigation. The Department shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. § 14-3-213(e).

(c) When the individual being checked is named on a substantiated allegation, the Department will notify the applicant that the individual was named as a perpetrator on a substantiated allegation. If the individual was mentioned on more than one substantiated allegation, all of the allegations will be listed. The following information about each substantiated allegation shall be released to the applicant:

- (i) Date of finding;
- (ii) Maltreatment type;
- (iii) A copy of the perpetrator's voluntary statement, if submitted; and
- (iv) Any information of a pending appeal.

(d) If the perpetrator was a minor at the time of the incident, the Department will not reveal any information about the allegation. If the minor was tried as an adult in criminal court on charges arising from the same incident, information about the allegation may be released in accordance with these rules.