

**SELECT  
COMMITTEE  
ON  
JUVENILES**

**FINAL REPORT**

September 1, 2003

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## **Background**

Title 14 of the Wyoming Statutes consists of laws related to parentage, child protection, the Juvenile Justice Act and the Children in Need of Supervision Act. In May, 2001, the Department of Family Services advised the Joint Judiciary Interim Committee that it would be forming a Title 14 Review Committee to look at comprehensive revisions of Title 14. The Committee would be broad-based, involving representatives of numerous organizations and agencies that deal with juveniles. Five (5) members of the Joint Judiciary Interim Committee were appointed to serve on the Title 14 Review Committee at the request of the Director of Department of Family Services. The goals of the Title 14 Review Committee were to update language, eliminate what had been described as conflicting and confusing provisions and comply with federal law.

The Review Committee, administered by the Department of Family Services, held a series of meetings as a full committee and as several subcommittees, which resulted in comprehensive proposed changes to Title 14. Those proposed changes were submitted to the Joint Judiciary Interim Committee, resulting in 2003 Senate File 29, sponsored by the Joint Judiciary Interim Committee in the 2003 General Session of the Legislature.

During the 2003 General Session, Senate File 29 was significantly amended. The final version of the bill, enacted into law as 2003 Wyoming Session Laws, Chapter 93, consisted of the adoption of the Uniform Parentage Act and conforming amendments. Major revisions to the child protection provisions, the Juvenile Justice Act and the Children in Need of Supervision Act, as proposed by the Title 14 Review Committee were not included in the enacted version of Senate File 29.

Coincident with the enactment of 2003 Wyoming Session Laws, Chapter 93, the "budget bill", 2003 Wyoming Session Laws, Chapter 131, contained a footnote, Section 337, which created the Select Committee on Juveniles. The Select Committee was charged with reviewing Title 14 and submitting its recommendations for change to the Joint Judiciary Interim Committee in a report no later than September 1, 2003.

## Authority

The Select Committee on Juveniles was established pursuant to 2003 Wyoming Session Laws, Chapter 131, Section 337, which reads:

### Section 337.

(a) There is created a select committee on juveniles consisting of:

(i) Two (2) senators from the Wyoming senate judiciary committee appointed by the president of the senate, each of whom shall be from a different political party. The senate president shall appoint a senate cochairman;

(ii) Three (3) members from the Wyoming house judiciary committee appointed by the speaker of the house of representatives, not more than two (2) of whom shall be from the same political party. The speaker of the house of representatives shall appoint a house cochairman; and

(iii) The following members appointed by the governor:

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

(B) The administrator of the mental health division within the department of health, or his designee;

(C) The administrator of the substance abuse division of the department of health;

(D) A representative from the department of education who has recent K-12 classroom teaching experience;

(E) The attorney general, or his designee;

(F) A representative from the public defender's office;

(G) A representative nominated by the Wyoming county and prosecuting attorneys' association;

(H) A member from the court improvement project;

(J) A member nominated by the Wyoming association of sheriffs and chiefs; and

(K) A member from the state advisory panel on juvenile justice.

(b) The committee shall be cochaired by the appointed cochairmen. The cochairmen shall set meeting dates and agendas. The cochairmen may appoint subcommittees to study selected issues relating to juvenile

issues. State agencies shall cooperate with the committee to the extent necessary for the committee to perform its duties under this section. Staff services shall be provided through the legislative service office.

(c) Legislators shall be paid salary, travel and per diem for the performance of their official duties as members of the committee as provided in W.S. 28-5-101. State employees shall be paid salary and travel expenses out of their agency's budget in the performance of their duties on the select committee. The members of the select committee who are not legislators or state employees shall be paid per diem and travel expenses in the same manner as state employees.

(d) The select committee shall review the report submitted by the Title 14 Committee to the joint judiciary interim committee on May 1, 2002 and any revisions to that report. Additionally, the select committee shall meet regularly to consider and recommend changes to Title 14 of the Wyoming Statutes.

(e) The select committee shall report its recommendations to the joint judiciary interim committee no later than September 1, 2003.

(f) There is appropriated from the general fund to the legislative service office fifty thousand dollars (\$50,000.00) or as much thereof as is necessary to be expended for purposes of this section.

## Membership

### Wyoming Senate:

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## **Subcommittees**

Three (3) subcommittees were appointed to study specified issues. The subcommittees and the appointments to each were as follows:

Children's Legal Representation Subcommittee:

Membership:

Ken Koski, Chairman  
Senator John Hanes  
Representative Monte Olsen  
John Frentheway  
Donna Sheen

Child Protection/Multidisciplinary Team Subcommittee:

Membership:

Dan Wilde, Chairman  
Representative George Bagby  
Dr. Pablo Hernandez, M.D.  
Ric Paul  
Kathy Wilder

Legal Process Subcommittee:

Membership:

Senator Ken Decaria, Chairman  
Representative Edward Buchanan  
Dr. Diane Galloway, Ph.D.  
Honorable Nena James  
Scott Sargent

## **Select Committee Activities**

Prior to the first meeting, Senator Hanes requested that Ms. Donna Sheen provide background information with respect to the work of the Title 14 Review Committee, which had reviewed the law and issues related to juveniles beginning in 2001, resulting in recommendations incorporated into 2003 Senate File 29, sponsored by the Joint Judiciary Interim Committee.

The Select Committee met for the first time on April 30, 2003 in Cheyenne to examine the background materials Ms. Sheen provided and establish its purposes and duties. At that meeting, Senator Hanes, Chairman, established the subcommittees and appointed members to the subcommittees. At the end of the meeting, the chairmen of the subcommittees met with their members to establish a tentative subcommittee meeting schedule.

The subcommittees began meeting May 14, 2003 and concluded August 12, 2003, with a final meeting of the Select Committee on August 15, 2003, to consider recommendations from the subcommittees. At the August 15, 2003, meeting of the Select Committee, draft legislation proposed by the subcommittees was considered. Public comment was solicited on each bill. The Select Committee amended the proposed bills and voted either to recommend, or not recommend, the bills considered. The bills recommended for further consideration by the Joint Judiciary Interim Committee are attached hereto as Appendices.

### **Please note:**

The minutes for all Select Committee and subcommittees meetings can be found on the Legislative Service Office website at <http://legisweb.state.wy.us>

## **Subcommittee Activities**

### Children's Legal Representation Subcommittee

The Children's Legal Representation Subcommittee met on May 14, 2003, June 11, 2003, and July 9, 2003, to consider issues assigned to the subcommittee.

At its first meeting, the subcommittee considered options with respect to an entity to provide legal representation for children who may appear before a court as an abused or neglected child, in a delinquency proceeding or in a child in need of supervision proceeding. After reviewing the current system of representation for juveniles in Wyoming and looking at other states, specifically Alaska and Colorado, that have offices providing legal representation for juveniles (including a description of the Colorado Office of the Child's Representative by Kent Spangler, Assistant Director of that Office), the subcommittee determined that it would consider draft legislation establishing an Office of the Children's Representative, modeled after the Colorado office, with limited representation of juveniles in cases involving relinquishment of parental rights, delinquency and child in need of supervision actions.

At its second meeting, the subcommittee reviewed the roles of guardians ad litem and other persons who may represent children under Title 14 of the Wyoming Statutes. As a result of that meeting, the subcommittee directed Legislative Service Office staff to draft legislation clarifying the roles of different representatives for juveniles, including the child's attorney, the guardian ad litem and lay volunteers appointed by the court.

At its final meeting, the subcommittee considered and amended a consolidated draft bill, 04LSO-0021.W3, Representation of children, that included the creation of the Office of the Children's Representative and clarified the role of various advocates for juveniles. The bill was presented to the Select Committee on Juveniles on August 15, 2003 for consideration.

### Child Protection/Multidisciplinary Team Subcommittee

The subcommittee met three times to consider issues with respect to comprehensive revisions to the child protection provisions, the composition and duties of multidisciplinary teams and child protection teams, involuntary commitment procedures applicable to juveniles and the creation of an interagency children's collaborative. As a result of those three meetings, the subcommittee had several proposed bills drafted for its consideration, including:

- 04LSO-0042.W1, Multidisciplinary teams
- 04LSO-0048.W1, Department of family services contract authority
- 04LSO-0049.W2, Involuntary commitment of juveniles

- 04LSO-0050.W1, Child protection teams
- 04LSO-0084.W1, Child protection amendments
- 04LSO-0086.W1, Interagency children's collaborative
- 04LSO-0088.W1, Central registry of child protection

The subcommittee met a fourth time by telephone conference call to consolidate and finalize the draft legislation it would present to the Select Committee on Juveniles. The bills presented on August 15, 2003, to the Select Committee on Juveniles included:

- 04LSO-0048.W1, Department of family services contract authority
- 04LSO-0049.W3, Involuntary commitment of juveniles
- 04LSO-0084.W2, Child protection amendments

#### Legal Process Subcommittee

The subcommittee met twice to consider three topics, including:

- Renumbering several statutes within Title 14 that establish criminal offenses against children and related penalties and placing those offenses and penalties within Title 6 of the Wyoming Statutes;
- Extensive revisions to the legal processes affecting juveniles, as proposed by the Title 14 Review Committee in 2002; and
- Creation of a family court system.

At the first meeting of the subcommittee, the subcommittee reviewed the issues as presented by Ms. Sheen. At the subsequent meeting, the subcommittee determined that renumbering of criminal statutes within Title 14 was unnecessary and elected not to proceed with draft legislation proposed by the Title 14 Review Committee. Members discussed the various proposals being considered with respect to family courts, family treatment courts and other alternatives. After being advised that the Department of Family Services was working with the Court Improvement Project to develop a juvenile court enhancement project, the subcommittee declined to have legislation drafted creating a family court system or other alternatives presented. The subcommittee closely examined and agreed upon changes to the legislation proposed by the Title 14 Review Committee as it affected the legal procedures and timelines in child protection services, the Juvenile Justice Act and the Children in Need of Supervision Act. The subcommittee also considered compliance with the federal Adoption and Safe Families Act, the Indian Children Welfare Act and recommendations from the American Bar Association Center on Children and the Law. The subcommittee's actions resulted in 04LSO-0081.W1, which the subcommittee presented to the Select Committee on Juveniles on August 15, 2003.

## **Recommendations**

At its meeting on August 15, 2003, the Select Committee received proposed legislation from the three subcommittees that studied the various issues. Those draft bills included:

- 04LSO-0081.W1, Title 14 revisions
- 04LSO-0021.W3, Representation of children
- 04LSO-0048.W1, Department of family services contract authority
- 04LSO-0049.W3, Involuntary commitment of juveniles
- 04LSO-0084.W2, Child protection amendments

### 04LSO-0081.W1, Title 14 revisions

The Select Committee received a presentation from the Legal Process Subcommittee on 04LSO-0081.W1, Title 14 revisions. The bill would authorize an intensive supervision program for juveniles, amend provisions relating to consent decrees and amend time frames for procedures affecting juveniles. After receiving public comment on the bill, the Select Committee proceeded to consider the bill and proposed amendments to the bill.

Of particular concern was a desire to ensure that timeframes for adjudicatory hearings in child protection, delinquency and child in need of supervision (CHINS) proceedings were consistent and adequate to meet the abilities of the courts and the parties to comply with the timeframes. Another issue of significance was whether the charged parties should be required to make an admission before entry of a consent decree. Testimony indicated a preference that the discretion should be left to the prosecuting attorney, rather than made mandatory by statute.

After considering amendments to the draft bill, the Select Committee voted to recommend the bill, as amended, for consideration to the Joint Judiciary Interim Committee (see Appendix 1).

### 04LSO-0021.W3, Representation of children

The Children's Legal Representation Subcommittee presented 04LSO-0021.W3, Representation of children, with an explanation that the bill created an Office of the Children's Representative, modeled to some extent after the Colorado Office of the Child's Representative. The bill also included provisions addressing the roles of representatives of children, proposing to define the roles of guardians ad litem and volunteer lay advocates.

After public comment focused on specifying the use of court appointed special advocates (CASA), the Select Committee amended the bill to place the proposed Office of the Children's Representative (OCR) within the Department of Family Services and specifying

that volunteer lay advocates appointed by the court would not be administered or paid by the OCR. The Select Committee voted to recommend the bill, as amended, for consideration to the Joint Judiciary Interim Committee (see Appendix 2).

#### 04LSO-0048.W1, Department of family services contract authority

The Child Protection/Multidisciplinary Team Subcommittee presented 04LSO-0048.W1, Department of family services contract authority, as a simple bill that proposes to repeal conflicting provisions with respect to the Department of Family Services' authority to contract with child care facilities where juveniles might be placed under court order. The Select Committee was advised that current practices would not be affected by the repeal of these statutes. Hearing no comment from the public and assurances that the proposed repeal would not affect current practice, the Select Committee voted to recommend the bill for consideration to the Joint Judiciary Interim Committee (see Appendix 3).

#### 04LSO-0049.W3, Involuntary commitment of juveniles

The Child Protection/Multidisciplinary Team Subcommittee also presented 04LSO-0049.W3, Involuntary commitment of juveniles (see Appendix 4). After hearing public comment from prosecuting attorneys and members of the Select Committee familiar with Title 14 and Title 25 statutes relating to involuntary commitment of juveniles, the Select Committee voted not to recommend the bill for consideration to the Joint Judiciary Interim Committee, but would recommend that the Joint Judiciary Interim Committee consider requesting approval of this issue as an interim study topic next year.

#### 04LSO-0084.W2, Child protection amendments

The Child Protection/Multidisciplinary Team Subcommittee presented a third bill, 04LSO-0084.W2, Child protection amendments. The bill proposes to create an interagency children's collaborative, amend the composition and duties of multidisciplinary teams and child protection teams, facilitate the sharing of records among relevant agencies, and amend requirements for the operation of the central registry for child protection cases. The Select Committee was advised of conflicts between this bill and 04LSO-0081.W1, considered earlier.

After public comment on the bill, the Select Committee considered proposed amendments to the bill. Language in the bill was amended to conform with changes in other legislation being recommended to the Joint Judiciary Interim Committee and to clarify record-sharing among agencies. The Select Committee voted to recommend the bill, as amended, for consideration to the Joint Judiciary Interim Committee (see Appendix 5).

### Summary of Final Recommendations

After consideration of the comprehensive issues related to juveniles contained in Title 14 of the Wyoming Statutes and the recommendations of its subcommittees, including proposed draft legislation drafted by the subcommittees, the Select Committee on Juveniles respectfully submits and recommends the following bills to the Joint Judiciary Interim Committee for further consideration:

- 04LSO-0021.W4, Representation of children
- 04LSO-0048.W1, Department of family services contract authority
- 04LSO-0081.W2, Title 14 revisions
- 04LSO-0084.W3, Child protection amendments

Additionally the Select Committee recommends the Joint Judiciary Interim Committee propose to the Management Council of the Legislature, for the 2004 interim, an interim study topic to review provisions relating to the involuntary commitment of juveniles.

Respectfully Submitted,

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Senator John Hanes, Cochairman

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Representative Ed Buchanan, Cochairman