

WORKING DRAFT

HOUSE BILL NO. _____

Central registry of child protection cases.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to the central registry of child protection
 2 cases; amending requirements for the operation of the
 3 central registry for child protection cases; establishing
 4 criminal offenses for failure to report child abuse or
 5 exploitation, or for interfering with reporting; amending
 6 definitions; and providing for an effective date.

7

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

9

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

15

1 **14-3-202. Definitions.**

2

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

4

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

9

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

16

17 **14-3-205. Child abuse or neglect; persons required to**
18 **report.**

19

20 (c) Any person or agency who knows that a child has
21 been abused or neglected, and knowingly fails to report in
22 accordance with this article is guilty of a misdemeanor
23 punishable by imprisonment for not more than six (6)
24 months, a fine of not more than seven hundred fifty dollars

1 (\$750.00), or both. Any employer, public or private, who
 2 seeks to discharge, suspend, discipline or penalize an
 3 employee for making a report of neglect or abuse under W.S.
 4 14-3-201 through 14-3-215 is guilty of a misdemeanor
 5 punishable by imprisonment for not more than six (6)
 6 months, a fine of not more than seven hundred fifty dollars
 7 (\$750.00), or both.

8
 9 **14-3-213. Central registry of child protection cases;**
 10 **establishment; operation; amendment, expungement or removal**
 11 **of records; classification and expungement of reports;**
 12 **statement of person accused.**

13
 14 (a) The state agency shall establish and maintain
 15 ~~within the statewide~~ a record of all child protection
 16 ~~center reports and~~ a central registry of child protection
 17 cases in accordance with W.S. 42-2-111.

18
 19 (b) ~~Through the recording of reports, the central~~
 20 ~~registry~~ The state agency's recordkeeping system shall be
 21 operated to enable the ~~center~~ state agency to:

22
 23 (ii) Continuously monitor the current status of
 24 all pending child protection cases; ~~and~~

1

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

5

6 (iv) Maintain a central registry of "under
7 investigation" reports and "substantiated" cases 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) ~~With the approval of the local child protective~~
12 ~~agency,~~ Upon good cause shown and upon notice to the
13 subject of the report, the state agency may list, amend,
14 expunge or remove any record from the central registry in
15 accordance with rules and regulations adopted by the state
16 agency.

17

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

21

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

23

24 (iii) "~~Closed~~ Unsubstantiated."

1

2 (e) Within six (6) months ~~any report~~ all reports
3 classified as "under investigation" shall be reclassified
4 as "~~founded~~ substantiated" or "~~closed~~ unsubstantiated",
5 ~~depending upon the results of~~ unless the state agency is
6 notified of an open criminal investigation or criminal
7 prosecution. ~~Unfounded~~ Unsubstantiated reports shall be
8 expunged from the central registry.

9

10 **14-3-214. Confidentiality of records; penalties;**
11 **access to information; attendance of school officials at**
12 **interviews; access to central registry records pertaining**
13 **to child protection cases.**

14

15 (b) Applications for access to records concerning
16 child abuse or neglect contained in the state agency or
17 local child protective agency shall be made in the manner
18 and form prescribed by the state agency. Upon appropriate
19 application, the state agency shall give access to any of
20 the following persons or agencies for purposes directly
21 related with the administration of W.S. 14-3-201 through
22 14-3-215:

23

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

5
6 (f) Upon appropriate application, the state agency
7 shall provide to any chapter of a nationally recognized
8 youth organization, child caring facility certified under
9 W.S. 14-4-101 et seq., public or private school or state
10 institution for employee or volunteer screening purposes a
11 summary of central registry records maintained under
12 ~~department of family services~~ state agency rules since
13 December 31, 1986, ~~concerning child abuse involving a named~~
14 ~~individual or confirm that no records exist~~ for purposes of
15 screening employees or volunteers. The state agency shall
16 provide the results of the records check to the applicant
17 by certified mail. The written results shall confirm that
18 there is an allegation "under investigation", a
19 "substantiated" finding of abuse or neglect on the central
20 registry naming the individual or confirm that no record
21 exists. When the individual is identified on the registry
22 as a "substantiated" perpetrator of abuse or neglect, the
23 report to the applicant shall contain information with
24 respect to the date of the finding, specific type of abuse

1 or neglect, a copy of the perpetrator's voluntary statement
2 and whether an appeal is pending. The applicant shall
3 submit a fee of ten dollars (\$10.00) and proof satisfactory
4 to the state agency that the prospective or current
5 employee or volunteer whose records are being checked
6 consents to the release of the information to the
7 applicant. ~~Central registry screening shall be limited to~~
8 ~~substantiated reports of child abuse and neglect in which~~
9 ~~opportunities for due process have been exhausted under the~~
10 ~~Wyoming Administrative Procedure Act including an appeal~~
11 ~~through the district court level.~~ The applicant shall use
12 the information received only for purposes of screening
13 prospective employees and volunteers who may, through their
14 employment or volunteer services, have unsupervised access
15 to minors. Applicants, their employees or other agents
16 shall not otherwise divulge or make public any information
17 received under this section. ~~The state agency shall notify~~
18 ~~any applicant receiving a report under this section that a~~
19 ~~prospective employee is under investigation, of the final~~
20 ~~disposition of that investigation or whether an appeal is~~
21 ~~pending.~~ The state agency shall notify any applicant
22 receiving information under this subsection of any
23 subsequent reclassification of the information pursuant to
24 W.S. 14-3-213(e). The state agency shall screen all

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

3

4 **Section 2.** This act is effective July 1, 2005.

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(END)