

HOUSE BILL NO. HB0076

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 a
4 criminal offense for sanctioning an employee for reporting
5 child abuse or neglect as specified; establishing criminal
6 offenses for filing false reports; amending definitions;
7 and providing for an effective date.

8

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

10

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

16

17 **14-3-202. Definitions.**

1

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

3

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

8

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

15

16 **14-3-205. Child abuse or neglect; persons required to**
17 **report.**

18

19 (c) Any employer, public or private, who discharges,
20 suspends, disciplines or penalizes an employee solely for
21 making a report of neglect or abuse under W.S. 14-3-201
22 through 14-3-215 is guilty of a misdemeanor punishable by
23 imprisonment for not more than six (6) months, a fine of

1 not more than seven hundred fifty dollars (\$750.00), or
2 both.

3

4 (d) Any person who knowingly and intentionally makes
5 a false report of child abuse or neglect, or who encourages
6 or coerces another person to make a false report of child
7 abuse or neglect, is guilty of a misdemeanor punishable by
8 imprisonment for not more than six (6) months, a fine of
9 not more than seven hundred fifty dollars (\$750.00), or
10 both.

11

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

16

17 (a) The state agency shall establish and maintain
18 ~~within the statewide~~ a record of all child protection
19 ~~center~~ reports and a central registry of "under
20 investigation" or "substantiated" child protection ~~eases~~
21 reports in accordance with W.S. 42-2-111.

22

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

5 (ii) Continuously monitor the current status of
6 all pending child protection cases; ~~and~~

7
8 (iii) Regularly evaluate the effectiveness of
9 existing laws and programs through the development and
10 analysis of statistical and other information; ~~and~~ and

11
12 (iv) Maintain a central registry of "under
13 investigation" reports and "substantiated" reports of child
14 abuse or neglect for provision of information to qualifying
15 applicants pursuant to W.S. 14-3-214(f).

16
17 (c) ~~With the approval of the local child protective~~
18 ~~agency,~~ Upon good cause shown and upon notice to the
19 subject of ~~the~~ an "under investigation" or "substantiated"
20 report, the state agency may list, amend, expunge or remove
21 any record from the central registry in accordance with
22 rules and regulations adopted by the state agency.
23

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

4
5 (i) "Under investigation"; or

6
7 (ii) "~~Founded~~ Substantiated".; ~~or~~

8
9 (e) Within six (6) months ~~any report~~ all reports
10 classified as "under investigation" shall be reclassified
11 as "~~founded~~ substantiated" or "~~closed~~" ~~depending upon the~~
12 ~~results of~~ expunged from the central registry, unless the
13 state agency is notified of an open criminal investigation
14 or criminal prosecution. ~~Unfounded~~ Unsubstantiated reports
15 shall not be ~~expunged from~~ contained within the central
16 registry.

17
18 **14-3-214. Confidentiality of records; penalties;**
19 **access to information; attendance of school officials at**
20 **interviews; access to central registry records pertaining**
21 **to child protection cases.**

22
23 (b) Applications for access to records concerning
24 child abuse or neglect contained in the state agency or

1 local child protective agency shall be made in the manner
2 and form prescribed by the state agency. Upon appropriate
3 application, the state agency shall give access to any of
4 the following persons or agencies for purposes directly
5 related with the administration of W.S. 14-3-201 through
6 14-3-215:

7
8 (viii) An education or mental health
9 professional serving the child, if the state agency
10 determines the information is necessary to provide
11 appropriate educational or therapeutic interventions.

12
13 (f) Upon appropriate application, the state agency
14 shall provide to any chapter of a nationally recognized
15 youth organization, child caring facility certified under
16 W.S. 14-4-101 et seq., public or private school or state
17 institution for employee or volunteer screening purposes a
18 summary of central registry records maintained under
19 ~~department of family services~~ state agency rules since
20 December 31, 1986, ~~concerning child abuse involving a named~~
21 ~~individual or confirm that no records exist~~ for purposes of
22 screening employees or volunteers. The state agency shall
23 provide the results of the records check to the applicant
24 by certified mail if the records check confirms the

1 existence of a report "under investigation" or a
2 "substantiated" finding of abuse or neglect. Otherwise,
3 the state agency shall provide the results of the records
4 check to the applicant by United States mail. The written
5 results shall confirm that there is a report "under
6 investigation", a "substantiated" finding of abuse or
7 neglect on the central registry naming the individual or
8 confirm that no record exists. When the individual is
9 identified on the registry as a "substantiated" perpetrator
10 of abuse or neglect, the report to the applicant shall
11 contain information with respect to the date of the
12 finding, specific type of abuse or neglect, a copy of the
13 perpetrator's voluntary statement and whether an appeal is
14 pending. The applicant shall submit a fee of ten dollars
15 (\$10.00) and proof satisfactory to the state agency that
16 the prospective or current employee or volunteer whose
17 records are being checked consents to the release of the
18 information to the applicant. ~~Central registry screening~~
19 ~~shall be limited to substantiated reports of child abuse~~
20 ~~and neglect in which opportunities for due process have~~
21 ~~been exhausted under the Wyoming Administrative Procedure~~
22 ~~Act including an appeal through the district court level.~~
23 The applicant shall use the information received only for
24 purposes of screening prospective employees and volunteers

1 who may, through their employment or volunteer services,
2 have unsupervised access to minors. Applicants, their
3 employees or other agents shall not otherwise divulge or
4 make public any information received under this section.
5 ~~The state agency shall notify any applicant receiving a~~
6 ~~report under this section that a prospective employee is~~
7 ~~under investigation, of the final disposition of that~~
8 ~~investigation or whether an appeal is pending.~~ The state
9 agency shall notify any applicant receiving information
10 under this subsection of any subsequent reclassification of
11 the information pursuant to W.S. 14-3-213(e). The state
12 agency shall screen all prospective agency employees in
13 conformity with the procedure provided under this
14 subsection.

15

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

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18 **Section 3.** This act is effective July 1, 2005.

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(END)