

SENATE FILE NO. SF0039

Child protection amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to juveniles; amending provisions relating
2 to child protection, the Juvenile Court Act and children in
3 need of supervision; amending provisions relating to
4 multidisciplinary team and child protection teams as
5 specified; providing access to juvenile records as
6 specified; creating an interagency children's collaborative
7 to review cases in which children are taken into state
8 custody; amending duties of the department of family
9 services; amending definitions; amending standards of proof
10 as specified; requiring notice as specified; specifying
11 duties; granting rulemaking authority; conforming
12 provisions; repealing provisions; and providing for an
13 effective date.

14

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

16

17 **Section 1.** W.S. 14-3-215 is created to read:

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14-3-215. Interagency children's collaborative.

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(a) There is created an interagency children's collaborative. The collaborative shall be composed of:

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

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(ii) The director of the department of health, or his designee;

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(iii) The superintendent of public instruction, or his designee;

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(iv) The director of the department of workforce services, or his designee; and

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(v) The governor's appointee who shall represent families receiving services from the state agencies represented in paragraphs (i) through (iv) of this subsection.

23

1 (b) The department of family services shall adopt
2 rules by July 1, 2005, to establish guidelines for review
3 of case files of children in state custody as a result of
4 any action commenced under this title. The rules shall be
5 adopted by the department of family services with the
6 advice of the departments of education, health and
7 workforce services. In addition to providing for the
8 review of cases and the progress made towards returning
9 children in state custody to their homes, communities or
10 other permanent placements, the guidelines shall provide
11 specific processes for:

12

13 (i) Local multidisciplinary teams to present
14 case files to the collaborative for review;

15

16 (ii) The review of cases in which more than one
17 (1) state agency provides services to the child and his
18 family. Guidelines developed pursuant to this paragraph
19 shall include methods for identifying and overcoming
20 barriers to the appropriate and timely provision of
21 services and permanency; and

22

23 (iii) The review of statewide availability and
24 utilization of resources for children in state custody.

1
2 **Section 2.** W.S. 14-3-201, 14-3-202(a)(intro), (x),
3 (xi) and by creating new paragraphs (xv) through (xvii),
4 14-3-203 by creating a new subsection (c), 14-3-204(a)(ii),
5 (iii), (iv), by creating a new paragraph (v) and by
6 renumbering (v) through (vii) as (vi) through (viii) and by
7 creating a new paragraph (ix), 14-3-206(a) and (c)(intro),
8 14-3-208, 14-3-212(a), (b) by creating new paragraphs (iii)
9 through (v), by renumbering (iii) and (iv) as (vi) and
10 (vii), (c)(iii), by creating new paragraphs (iv) through
11 (vi), by creating a new subsection (d) and by renumbering
12 (d) as (e), 14-3-214(b)(intro), 14-3-402(a)(x), (xii)(A),
13 (B)(intro), (xvi)(intro), by creating new paragraphs
14 (xviii) through (xx) and renumbering (xviii) as (xxi),
15 14-3-405(a)(intro) and by creating new subsections (b)
16 through (e), 14-3-406(a)(intro) and (b), 14-3-407(a), (c)
17 and by creating a new subsection (d), 14-3-408(a),
18 14-3-427(a)(intro), (ii) through (v), (b), (c)(ii), (iv),
19 (v), by creating new paragraphs (vi) through (viii), (d) by
20 creating new paragraphs (iii) through (v), by amending and
21 renumbering (iii) as (vi), (e), (j) and by creating new
22 subsections (k) through (o), 14-6-227(a)(intro), (ii)
23 through (v), (b), (c)(ii), (iv), (v), by creating new
24 paragraphs (vi) through (viii), (d) by creating new

1 paragraphs (iii) through (v), by amending and renumbering
2 (iii) as (vi), (e), (f), (j) and by creating new
3 subsections (k) through (o) and 14-6-427(a)(intro), (ii)
4 through (v), (b), (c)(ii), (iv), (v), by creating new
5 paragraphs (vi) through (viii), (d) by creating new
6 paragraphs (iii) through (v), by amending and renumbering
7 (iii) as (vi), (e), (j) and by creating new subsections (k)
8 through (o) are amended to read:

9

10 **14-3-201. Purpose.**

11

12 The purpose of W.S. 14-3-201 through ~~14-3-215~~ 14-3-216 is
13 to delineate the responsibilities of the state agency,
14 other governmental agencies or officials, professionals and
15 citizens to intervene on behalf of a child suspected of
16 being abused or neglected, to protect the best interest of
17 the child, or a disabled adult, to further offer protective
18 services when necessary in order to prevent any harm to the
19 child or any other children living in the home, or to a
20 disabled adult, to protect children or disabled adults from
21 abuse or neglect which jeopardize their health or welfare,
22 to stabilize the home environment, and to preserve family
23 life whenever possible and to provide permanency for the
24 child in appropriate circumstances. The child's health,

1 safety and welfare shall be of paramount concern in
2 implementing and enforcing this article.

3

4 **14-3-202. Definitions.**

5

6 (a) As used in W.S. 14-3-201 through ~~14-3-215~~
7 14-3-216:

8

9 (x) "Unfounded report" means any report made
10 pursuant to W.S. 14-3-201 through ~~14-3-215~~ 14-3-216 that is
11 not supported by credible evidence;

12

13 (xi) "Substantiated report" means any report of
14 child abuse or neglect made pursuant to W.S. 14-3-201
15 through ~~14-3-215~~ 14-3-216 that is determined upon
16 investigation that credible evidence of the alleged abuse
17 or neglect exists;

18

19 (xv) "Collaborative" means the interagency
20 children's collaborative created by W.S. 14-3-215;

21

22 (xvi) "Department" means the state department of
23 family services and its local offices;

24

1 (xvii) "Transportation" means the provision of a
2 means to convey the child from one place to another by the
3 custodian or someone acting on his behalf in the
4 performance of required duties, but does not require the
5 state to provide incidental travel or to purchase a motor
6 vehicle for the child's own use to travel.

7
8 **14-3-203. Duties of state agency; on-call services.**

9
10 (c) The state agency shall ensure that all child
11 protective service workers are trained:

12
13 (i) In the values and principles of family
14 centered child welfare practice, including balancing the
15 best interests of children with the rights of parents;

16
17 (ii) In the duty of the workers to inform the
18 individual subject to a child abuse or neglect allegation,
19 at the earliest opportunity during the initial contact, of
20 the specific complaints or allegations made against the
21 individual;

22
23 (iii) Concerning constitutional and statutory
24 rights of children and families from and after the initial

1 time of contact and the worker's legal duty not to violate
2 the constitutional and statutory rights of children and
3 families from and after the initial time of contact;

4
5 (iv) To know the state's legal definitions of
6 physical abuse, sexual abuse, neglect, dependency and
7 endangerment;

8
9 (v) To know the provisions of federal and state
10 laws governing child welfare practice, including but not
11 limited to the Adoption and Safe Families Act, Indian Child
12 Welfare Act, Multi-Ethnic Placement Act and the Child Abuse
13 Prevention and Treatment Act, as amended.

14
15 **14-3-204. Duties of local child protective agency.**

16
17 (a) The local child protective agency shall:

18
19 (ii) Receive, assess, investigate or arrange for
20 investigation and coordinate investigation or assessment of
21 all reports of known or suspected child abuse or neglect;

22
23 (iii) Within twenty-four (24) hours after
24 notification of a suspected case of child abuse or neglect,

1 initiate an investigation or assessment and verification of
2 every report. The representative of the child protective
3 agency shall, at the initial time of contact with the
4 individual subject to a child abuse and neglect
5 investigation or assessment, advise the individual of the
6 specific complaints or allegations made against the
7 individual. A thorough investigation or assessment and
8 report of child abuse or neglect shall be made in the
9 manner and time prescribed by the state agency pursuant to
10 rules and regulations adopted in accordance with the
11 Wyoming Administrative Procedure Act. If the child
12 protective agency is denied reasonable access to a child by
13 a parent or other persons and the agency deems that the
14 best interest of the child so requires, it shall seek an
15 appropriate court order by ex parte proceedings or other
16 appropriate proceedings to see the child.† The child
17 protective agency shall assign a report:

18
19 (A) For investigation when allegations
20 contained in the report indicate:

21
22 (I) That criminal charges could be
23 filed, the child appears to be in imminent danger and it is
24 likely the child will need to be removed from the home; or

1

2

(II) A child fatality, major injury or sexual abuse has occurred.

4

5

(B) For assessment when the report does not meet the criteria of subparagraph (A) of this paragraph.

7

8

(iv) If the investigation or assessment discloses that abuse or neglect is present, initiate services with the family of the abused or neglected child to assist in resolving problems that lead to or caused the child abuse or neglect;

13

14

(v) If the child protective agency is able through investigation to substantiate a case of abuse or neglect, it shall notify the person suspected of causing the abuse or neglect of his right to request a hearing pursuant to the Wyoming Administrative Procedure Act;

19

20

~~(v)~~ (vi) Make reasonable efforts to contact the noncustodial parent of the child and inform the parent of substantiated abuse or neglect in high risk or moderate risk cases as determined pursuant to rules and regulations

23

1 of the state agency and inform the parent of any proposed
2 action to be taken;

3

4 ~~(vi)~~ (vii) Cooperate, coordinate and assist with
5 the prosecution and law enforcement agencies; ~~and~~

6

7 ~~(vii)~~ (viii) When the best interest of the child
8 requires court action, contact the county and prosecuting
9 attorney to initiate legal proceedings and assist the
10 county and prosecuting attorney during the proceedings. If
11 the county attorney elects not to bring court action the
12 local child protective agency may petition the court for
13 appointment of a guardian ad litem who shall act in the
14 best interest of the child and who may petition the court
15 to direct the county attorney to show cause why an action
16 should not be commenced under W.S. 14-3-401 through
17 14-3-439; ~~and~~ and

18

19 (ix) Refer a child receiving department services
20 who is under the age of six (6) years to the department of
21 health, division of developmental disabilities preschool
22 program for educational and developmental screening and
23 assessment.

24

1 **14-3-206. Child abuse or neglect; written report;**
2 **statewide reporting center; documentation; costs and**
3 **admissibility thereof.**

4
5 (a) Reports of child abuse or neglect or of suspected
6 child abuse or neglect made to the local child protective
7 agency or local law enforcement agency shall be:

8
9 (i) Conveyed immediately by the agency receiving
10 the report to the appropriate local child protective agency
11 or local law enforcement agency. The agencies shall
12 continue cooperating and coordinating with each other
13 during the investigation; and

14
15 (ii) Followed by a written report by the
16 receiving agency confirming or not confirming the facts
17 reported. ~~A written report may be dispensed with for good~~
18 ~~cause shown.~~ The report shall provide to law enforcement or
19 the local child protective agency the following, to the
20 extent available:

21
22 (A) The name, age and address of the child;
23

1 (B) The name and address of any person
2 responsible for the child's care;

3

4 (C) The nature and extent of the child's
5 condition;

6

7 (D) The basis of the reporter's knowledge;

8

9 (E) The names and conditions of any other
10 children relevant to the report;

11

12 (F) Any evidence of previous injuries to
13 the child;

14

15 (G) Photographs, videos and x-rays with the
16 identification of the person who created the evidence and
17 the date the evidence was created; and

18

19 (H) Any other relevant information.

20

21 (c) Any person investigating, examining or treating
22 suspected child abuse or neglect may document evidence of
23 child abuse or neglect to the extent allowed by law by
24 having photographs taken or causing x-rays to be made of

1 the areas of trauma visible on a child who is the subject
2 of the report or who is subject to a report. The reasonable
3 cost of the photographs or x-rays shall be reimbursed by
4 the appropriate local child protective agency. All
5 photographs, x-rays or copies thereof shall be sent to the
6 local child protective agency, admissible as evidence in
7 any civil proceeding relating to child abuse or neglect,
8 and shall state:

9

10 **14-3-208. Temporary protective custody; order; time**
11 **limitation; remedial health care.**

12

13 (a) When a ~~physician treating a child or a medical~~
14 ~~staff member of a hospital in which a child is being~~
15 ~~treated has reasonable cause to believe there exists an~~
16 ~~imminent danger to the child's life or safety unless the~~
17 ~~child~~ is taken into temporary protective custody ~~and there~~
18 ~~is not time to apply for a court order, the child may be~~
19 ~~taken into temporary protective custody without a warrant~~
20 ~~or court order and without the consent of the parents,~~
21 ~~guardians or others exercising temporary or permanent~~
22 ~~control over the child. Any person taking a child into~~
23 ~~temporary protective custody~~ pursuant to W.S. 14-3-405(a)
24 and (b), the person taking custody shall ~~as soon as~~

1 ~~possible~~ immediately notify the ~~appropriate~~ local child
2 ~~protective agency. Upon notification, the local child~~
3 ~~protective agency shall initiate an investigation of the~~
4 ~~notification and make every reasonable effort to inform the~~
5 ~~parent or other person responsible for the child's welfare~~
6 ~~that the child has been taken into temporary protective~~
7 ~~custody~~ department of family services office and place or
8 transfer temporary protective custody to the local
9 department of family services office as soon as
10 practicable. The local department of family services office
11 shall:

12
13 (i) Accept physical custody of the child;

14
15 (ii) Make every reasonable efforts, when it is
16 in the best interests of the child, to inform the parent,
17 noncustodial parent or other person responsible for the
18 child's welfare that the child has been taken into
19 temporary protective custody;

20
21 (iii) Arrange for care and supervision of the
22 child in the most appropriate and least restrictive setting
23 necessary to meet the child's needs, including foster homes
24 or other child care facilities certified by the department

1 or approved by the court. When it is in the best interest
2 of the child, the department may place the child with the
3 child's noncustodial birth parent or with the child's
4 extended family, including adult siblings, grandparents,
5 great-grandparents, aunts or uncles. Prior to approving
6 placement with the child's noncustodial birth parent or
7 extended family, the department shall determine whether
8 anyone living in the home has been convicted of a crime
9 involving serious harm to children or has a substantiated
10 case listed on the central registry established pursuant to
11 W.S. 14-3-213. The department may leave the child in the
12 care of a physician or hospital when necessary to ensure
13 the child receives proper care. A neglected child shall not
14 be placed in a jail or detention facility other than for a
15 delinquent act;

16
17 (iv) Initiate an investigation of the
18 allegations; and

19
20 (v) Assess the child's mental and physical
21 needs, provide for the child's ordinary and emergency
22 medical care and seek emergency court authorization for any
23 extraordinary medical care that is needed prior to the
24 shelter care hearing.

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(b) ~~Any district or circuit court judge or district court commissioner may issue a~~ The law enforcement or medical provider shall promptly notify the court and the district attorney of any child taken into temporary protective custody ~~order upon finding that a child's life or safety is in danger. That order may be requested by the state agency, the local child protective agency, a local law enforcement officer, an administrator of a hospital in which a child reasonably believed to have been abused or neglected is being treated or any physician who reasonably believes a child has been abused or neglected, whether or not additional medical treatment is required, and that the child, by continuing in his place of residence or in the care and custody of the person responsible for his welfare, would be in imminent danger of his life or health. The local child protective agency shall be notified of the~~ order and placed in its care pursuant to W.S. 14-3-405 without a court order.

(c) Temporary protective custody shall not exceed ~~seventy-two (72)~~ forty-eight (48) hours, excluding weekends and legal holidays.

1 (d) When ~~necessary for the best interest or welfare~~
2 ~~of a child, a~~ the court ~~may order medical or nonmedical~~
3 ~~remedial health care notwithstanding the absence of a prior~~
4 ~~finding of child abuse or neglect.~~ orders the child into
5 the legal custody of the department pursuant to W.S.
6 14-3-409(d) or 14-3-429, the department shall:

7
8 (i) Accept legal custody of the child;

9
10 (ii) Continue or arrange for, care,
11 transportation and supervision of the child as provided in
12 paragraph (a)(ii) of this section;

13
14 (iii) Assess the child's mental and physical
15 health needs and provide for the child's ordinary and
16 emergency medical care;

17
18 (iv) Arrange for the provision of the education
19 of the child, including participation in individualized
20 education or developmental services;

21
22 (v) Participate in multidisciplinary team
23 meetings to develop treatment recommendations for the
24 child;

1

2 (vi) Perform any other duties ordered by the
3 court relating to the care or custody of the child.

4

5 **14-3-212. Child protection teams; creation;**
6 **composition; duties; records confidential.**

7

8 (a) The state agency and the local child protective
9 agency shall encourage and assist in the creation of ~~multi-~~
10 ~~disciplinary~~ child protection teams within the communities
11 in the state. The purposes of the child protection teams
12 shall be to identify or develop community resources to
13 serve abused and neglected children within the community,
14 to advocate for improved services or procedures for such
15 children and to provide information and assistance to the
16 state agency, local child protection agency and
17 multidisciplinary teams, if a multidisciplinary team has
18 been appointed. The department may promulgate reasonable
19 rules and regulations in accordance with the Wyoming
20 Administrative Procedure Act to govern the roles and
21 procedures of child protection teams.

22

23 (b) The local child protection team shall be composed
24 of:

1

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(iii) A representative from the local field office of the department of family services;

4

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(iv) A representative from the county government;

7

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(v) A representative from each city and town in the county;

10

11

~~(iii)~~ (vi) Representatives from other relevant professions; and

13

14

~~(iv)~~ (vii) Temporary members selected for the needs of a particular case as determined by the team.

16

17

(c) The local child protection team may:

18

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~~(iii) Provide an adequate treatment plan~~
Coordinate the provision of appropriate services for ~~the~~ abused and neglected ~~child~~ children and ~~his family.~~ their families;

23

1 (iv) Identify or develop community resources to
2 serve abused and neglected children and advocate for
3 improved services and procedures for such children;

4
5 (v) Identify training needs, sponsor training
6 and raise community awareness of child protection issues;
7 and

8
9 (vi) Assist and make recommendations of
10 appropriate services in individual cases brought to it by
11 the state agency or the local child protection agency.

12
13 (d) The local child protection team shall not act as
14 a multidisciplinary team, but members of the child
15 protection team may serve on a multidisciplinary team if
16 appointed pursuant to W.S. 14-3-427.

17
18 ~~(d)~~(e) All records and proceedings of the child
19 protection teams are subject to W.S. 14-3-214.

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

1

2 (b) Applications for access to records concerning
3 child abuse or neglect contained in the state agency or
4 local child protective agency shall be made in the manner
5 and form prescribed by the state agency. Upon appropriate
6 application, the state agency shall give access to any of
7 the following persons or agencies for purposes directly
8 related with the administration of W.S. 14-3-201 through
9 ~~14-3-215~~ 14-3-216:

10

11 **14-3-402. Definitions.**

12

13 (a) As used in this act:

14

15 (x) "Legal custody" means a legal status created
16 by court order which vests in a custodian the right to have
17 physical custody of a minor, the right and duty to protect,
18 train and discipline a minor, the duty to provide him with
19 food, shelter, clothing, transportation, ordinary medical
20 care, education and in an emergency, the right and duty to
21 authorize surgery or other extraordinary medical care. The
22 rights and duties of legal custody are subject to the
23 rights and duties of the guardian of the person of the
24 minor, and to residual parental rights and duties;

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(xii) "Neglected child" means a child:

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(A) ~~Whose custodian~~ Who has ~~failed or refused to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child's well being~~ been subjected to neglect as defined in W.S. 14-3-202(a)(vii);

(B) Who has ~~been abused by the inflicting or causing of physical or mental injury, harm or imminent danger to the physical or mental health or welfare of the child, other than by accidental means, including abandonment, excessive or unreasonable corporal punishment, malnutrition or substantial risk thereof by reason of intentional or unintentional neglect, and the commission or allowing the commission of a sexual offense against a child as defined by law~~ been subjected to abuse as defined in W.S. 14-3-202(a)(ii):

(xvi) "Residual parental rights and duties" means those rights and duties remaining with the parents after legal custody, guardianship of the person or both have been vested in another person, agency or institution.

1 Residual parental rights and duties include but are not
2 limited to:

3

4 (xviii) "Ordinary medical care" means medical,
5 dental and vision examinations, routine medical, dental and
6 vision treatment and emergency surgical procedures, but
7 does not include nonemergency surgical procedures;

8

9 (xix) "Temporary protective custody" means a
10 legal status created prior to a shelter care hearing when a
11 court, law enforcement officer, physician, physician's
12 assistant or nurse practitioner takes a child into
13 protective custody pursuant to W.S. 14-3-405. Temporary
14 protective custody vests in a custodian the duty to protect
15 the child and arrange for the provision of food, shelter,
16 clothing, transportation, ordinary medical care and
17 education. Temporary protective custody shall be
18 transferred from the law enforcement officer, physician,
19 physician's assistant or nurse practitioner to the local
20 child protection agency as soon as practicable to
21 facilitate such care. Temporary protective custody divests
22 the parent or custodian of his right to the custody and
23 control of the child;

24

1 ~~(xx)~~ "Transportation" means as defined in W.S.
2 14-3-202(a) (xvii);

3

4 ~~(xviii)~~ (xxi) "This act" means W.S. 14-3-401
5 through 14-3-440.

6

7 **14-3-405. Taking of child into custody; when**
8 **permitted.**

9

10 (a) A child may be taken into custody by a law
11 enforcement officer without a warrant or court order and
12 without the consent of the parents, guardians or others
13 exercising temporary or permanent control over the child
14 when:

15

16 (b) A child may be taken into temporary protective
17 custody by a physician, physician's assistant or nurse
18 practitioner without a warrant or court order and without
19 the consent of the parents, guardians or others exercising
20 temporary or permanent control over the child when the
21 physician, physician's assistant or nurse practitioner
22 treating the child, or a hospital in which the child is
23 being treated, finds that there is reasonable cause to
24 believe an imminent danger to the child's life, health or

1 safety exists unless the child is taken into protective
2 custody, whether or not additional medical treatment is
3 required, and there is not time to apply for a court order.

4
5 (c) A district attorney may file an emergency
6 petition, or the department of family services, a local law
7 enforcement officer, an administrator of a hospital in
8 which a child reasonably believed to have been abused or
9 neglected is being treated, or any physician, physician's
10 assistant or nurse practitioner who treated the child may
11 request the court for a protective order. After
12 considering the emergency petition or request, the judge or
13 commissioner, upon finding that there is reasonable cause
14 to believe that a child has been abused or neglected and
15 that the child, by continuing in his place of residence or
16 in the care and custody of the person responsible for his
17 health, safety and welfare, would be in imminent danger of
18 his life, health or safety, may:

19
20 (i) Issue an ex parte order or search warrant.
21 The order shall place the child in the temporary protective
22 custody of the local child protection agency;

23

1 (ii) Issue an emergency order or search warrant
2 upon application and hearing, authorizing ordinary or
3 emergency care of the child or authorizing a forensic
4 examination to collect evidence.

5
6 (d) Temporary protective custody shall not exceed
7 forty-eight (48) hours, excluding weekends and legal
8 holidays.

9
10 (e) When necessary for the best interest or welfare
11 of the child in temporary protective custody, a court may
12 order medical or other necessary health care, including
13 mental health and substance abuse care, notwithstanding the
14 absence of a prior finding of child abuse or neglect.

15
16 **14-3-406. Child in custody; no shelter care placement**
17 **without court order; exceptions; notice to parent or**
18 **guardian; release.**

19
20 (a) A child taken into temporary protective custody
21 shall not be placed in shelter care without a court order
22 unless shelter care is required to:

23

1 (b) Any person taking a child into temporary
2 protective custody under this act shall as soon as possible
3 notify the child's parent, guardian or custodian. Unless
4 the child's shelter care is authorized by court order or
5 required for one (1) of the reasons in subsection (a) of
6 this section, the child shall be released to the care of
7 his parent, guardian, custodian or other responsible adult
8 upon that person's written promise to present the child
9 before the court upon request.

10
11 **14-3-407. Shelter care; delivery of child pending**
12 **hearing; placing children; notice if no court order.**

13
14 (a) If shelter care of a child appears necessary to
15 the person taking custody of the child, the child shall be
16 delivered as soon as possible to the court or to the
17 ~~shelter care facility designated by the court~~ department of
18 family services pending a hearing.

19
20 (c) The ~~person in charge of any shelter care facility~~
21 department of family services shall promptly notify the
22 court and the district attorney of any child being cared
23 for ~~at the facility~~ by the department without a court order
24 and shall deliver the child to the court upon request.

1

2 (d) The department of family services shall care for
3 the child under this section pursuant to temporary
4 protective custody provisions as specified in W.S.
5 14-3-208.

6

7 **14-3-408. Notice of shelter care to be given district**
8 **attorney; written statement required; duty of district**
9 **attorney.**

10

11 (a) When a child is taken into temporary protective
12 custody without a court order and is placed in shelter care
13 pursuant to W.S. 14-3-405(a) or (b), the person taking
14 temporary protective custody of the child shall notify the
15 district attorney without delay. Also the person shall as
16 soon as possible file a brief written statement with the
17 district attorney setting forth the facts which led to
18 taking the child into custody and the reason why the child
19 was not released.

20

21 **14-3-427. Predisposition studies and reports.**

22

23 (a) After a petition is filed alleging a child is
24 neglected, the court shall order the department of family

1 services to make a predisposition study and report. The
2 court shall establish a deadline for completion of the
3 report. While preparing the study the department shall
4 consult with the child's school and school district to
5 determine the child's educational needs. The study and
6 report shall also cover:

7

8 (ii) The performance of the child in school,
9 including whether the child receives special education
10 services and how his goals and objectives might be impacted
11 by the court's disposition, provided the school receives
12 authorization to share the information;

13

14 (iii) The presence of child abuse and neglect or
15 domestic violence histories, past acts of violence,
16 learning disabilities, cognitive disabilities or physical
17 impairments and ~~past acts of violence~~ the necessary
18 services to accommodate the disabilities and impairments;

19

20 (iv) The presence of any mental health or
21 substance abuse ~~history~~ risk factors, including current
22 participation in ~~mental health~~ counseling, therapy or
23 treatment; and

24

1 (v) Other matters relevant to treatment of the
2 child, including any pertinent family information, or
3 proper disposition of the case, including any information
4 required by W.S. 21-13-315(d).

5
6 (b) Within ten (10) days after a petition is filed
7 alleging a child is neglected, the court shall appoint a
8 multidisciplinary team. The multidisciplinary team shall
9 operate in accordance with the protocol established under
10 W.S. 14-3-215. Upon motion by a party, the court may add or
11 dismiss a member of the multidisciplinary team.

12
13 (c) The multidisciplinary team shall include the
14 following:

15
16 (ii) A representative of the school district who
17 has direct knowledge of the child and, if the child
18 receives special education, is a member of the child's
19 individualized education plan team;

20
21 (iv) The child's psychiatrist, psychologist or
22 mental health professional; ~~and~~

23
24 (v) The district attorney or his designee; ~~and~~

1

2

(vi) The child's attorney or guardian ad litem,
if one is appointed by the court;

4

5

(vii) The volunteer lay advocate, if one is
appointed by the court; and

7

8

(viii) The foster parent.

9

(d) In addition to the persons listed in subsection
(c) of this section, the court may appoint one (1) or more
of the following persons to the multidisciplinary team:

13

14

(iii) The child;

15

16

(iv) A relative;

17

18

19

(v) If the predispositional study indicates a
parent or child has special needs, an appropriate

20

representative of the department of health's substance

21

abuse, mental health or developmental disabilities division

22

who has knowledge of the services available in the state's

23

system of care that are pertinent to those identified

24

needs;

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~~(iii)~~ (vi) Other professionals or persons who have particular knowledge relating to the child or his family, or expertise in children's services and the child's or parent's specific disability or special needs, including linguistic and cultural needs.

(e) The multidisciplinary team shall, in accordance with rules and regulations promulgated by the department of family services, review the child's personal and family history, school records, mental health records and department of family services records and any other pertinent information, for the purpose of making case planning recommendations. To the extent appropriate, the team shall involve the child in the development of the recommendations.

(j) Any member of a multidisciplinary team who cannot ~~personally~~ attend team meetings in person or by telephone may submit written reports and recommendations to the other team members and to the court. Individuals who are not members of the multidisciplinary team but have knowledge pertinent to the team's decisions may be asked to provide information to the multidisciplinary team. Such individuals

1 shall be bound by the confidentiality provisions of
2 subsection (g) of this section.

3

4 (k) The department shall develop a case plan for a
5 child when there is a recommendation to place the child
6 outside the home.

7

8 (m) If the child is placed outside the home, the
9 multidisciplinary team shall meet quarterly to review the
10 child's and the family's progress toward meeting the goals
11 or expectations in the case plan and the multidisciplinary
12 team shall provide a written report with recommendations to
13 the court prior to each review hearing.

14

15 (n) No later than five (5) business days prior to the
16 dispositional hearing, the multidisciplinary team shall
17 file with the court the multidisciplinary team report which
18 shall include the multidisciplinary team's recommendations
19 and the department case plan in a standard format
20 established by the department.

21

22 (o) Five (5) business days prior to each review
23 hearing, the multidisciplinary team shall file with the
24 court a report updating the multidisciplinary team report,

1 the multidisciplinary team's recommendations and the
2 department case plan.

3

4 **14-6-227. Predisposition studies and reports.**

5

6 (a) After a petition is filed alleging the child is
7 delinquent, the court shall order the department to make a
8 predisposition study and report. The court shall establish
9 a deadline for completion of the report. While preparing
10 the study the department shall consult with the child's
11 school and school district to determine the child's
12 educational needs. The study and report shall also cover:

13

14 (ii) The performance of the child in school,
15 including whether the child receives special education
16 services and how his goals and objectives might be impacted
17 by the court's disposition, provided the school receives
18 authorization to share the information;

19

20 (iii) The presence of child abuse and neglect or
21 domestic violence histories, past acts of violence,
22 learning disabilities, cognitive disabilities or physical
23 impairments and ~~past acts of violence~~ the necessary
24 services to accommodate the disabilities and impairments;

1

2 (iv) The presence of any mental health or
3 substance abuse ~~history~~risk factors, including current
4 participation in ~~mental health~~ counseling, therapy or
5 treatment; and

6

7 (v) Other matters relevant to the child's
8 present status as a delinquent, including any pertinent
9 family information, treatment of the child or proper
10 disposition of the case, including any information required
11 by W.S. 21-13-315(d).

12

13

14 (b) Within ten (10) days after a petition is filed
15 alleging a child is delinquent, the court shall appoint a
16 multidisciplinary team. The multidisciplinary team shall
17 operate in accordance with the protocol established under
18 W.S. 14-3-215. Upon motion by a party, the court may add or
19 dismiss a member of the multidisciplinary team.

20

21 (c) The multidisciplinary team shall include the
22 following:

23

1 (ii) A representative of the school district who
2 has direct knowledge of the child and, if the child
3 receives special education, is a member of the child's
4 individualized education plan team;

5

6 (iv) The child's psychiatrist, psychologist or
7 mental health professional;~~and~~

8

9 (v) The district attorney or his designee;~~;~~

10

11 (vi) The child's attorney or guardian ad litem,
12 if one is appointed by the court;

13

14 (vii) The volunteer lay advocate, if one is
15 appointed by the court; and

16

17 (viii) The foster parent.

18

19 (d) In addition to the persons listed in subsection
20 (c) of this section, the court may appoint one (1) or more
21 of the following persons to the multidisciplinary team:

22

23 (iii) The child;

24

1 (iv) A relative;

2

3 (v) If the predispositional study indicates a
4 parent or child has special needs, an appropriate
5 representative of the department of health's substance
6 abuse, mental health or developmental disabilities division
7 who has knowledge of the services available in the state's
8 system of care that are pertinent to those identified
9 needs;

10

11 ~~(iii)~~ (vi) Other professionals or persons who
12 have particular knowledge relating to the child or his
13 family, or expertise in children's services and the child's
14 or parent's specific disability or special needs, including
15 linguistic and cultural needs.

16

17 (e) The multidisciplinary team shall, as quickly as
18 reasonably possible and in accordance with rules and
19 regulations promulgated by the department of family
20 services, review the child's personal and family history,
21 school, mental health and department of family services
22 records and any other pertinent information, for the
23 purpose of making sanction recommendations. The team shall

1 involve the child in the development of recommendations to
2 the extent appropriate.

3

4 (f) The multidisciplinary team shall formulate
5 written recommendations consistent with the purposes of
6 this act.

7

8 (j) Any member of a multidisciplinary team who cannot
9 ~~personally~~ attend team meetings in person or by telephone
10 may submit written reports and recommendations to the other
11 team members and to the court. Individuals who are not
12 members of the multidisciplinary team but have knowledge
13 pertinent to the team's decisions may be asked to provide
14 information to the multidisciplinary team. Such individuals
15 shall be bound by the confidentiality provisions of
16 subsection (g) of this section.

17

18 (k) The department shall develop a case plan for a
19 juvenile when there is a recommendation to place the child
20 outside the home.

21

22 (m) If the child is placed outside the home, the
23 multidisciplinary team shall meet quarterly to review the
24 child's and the family's progress toward meeting the goals

1 or expectations in the case plan and the multidisciplinary
2 team shall provide a written report with recommendations to
3 the court prior to each review hearing.

4
5 (n) No later than five (5) business days prior to the
6 dispositional hearing, the multidisciplinary team shall
7 file with the court the multidisciplinary team report which
8 shall include the multidisciplinary team's recommendations
9 and the department case plan in a standard format
10 established by the department.

11
12 (o) Five (5) business days prior to each review
13 hearing, the multidisciplinary team shall file with the
14 court a report updating the multidisciplinary team report,
15 the multidisciplinary team's recommendations and the
16 department case plan.

17
18 **14-6-427. Predisposition studies and reports.**

19
20 (a) After a petition is filed alleging the child is
21 in need of supervision, the court shall order the
22 department of family services to make a predisposition
23 study and report. The court shall establish a deadline for
24 completion of the report. While preparing the study the

1 department shall consult with the child's school and school
2 district to determine the child's educational needs. The
3 study and report shall also cover:

4

5 (ii) The performance of the child in school, including whether the child receives special education
6 services and how his goals and objectives might be impacted
7 by the court's disposition, provided the school receives
8 authorization to share the information;
9

10

11 (iii) The presence of child abuse and neglect or
12 domestic violence histories, past acts of violence,
13 learning disabilities, cognitive disabilities or physical
14 impairments and ~~past acts of violence~~ the necessary
15 services to accommodate the disabilities and impairments;
16

16

17 (iv) The presence of any mental health or
18 substance abuse ~~history~~ risk factors, including current
19 participation in ~~mental health~~ counseling, therapy or
20 treatment; and

21

22 (v) Other matters relevant to treatment of the
23 child, including any pertinent family information, or

1 proper disposition of the case, including any information
2 required by W.S. 21-13-315(d).

3

4 (b) Within ten (10) days after a petition is filed
5 alleging a child is in need of supervision, the court shall
6 appoint a multidisciplinary team. The multidisciplinary
7 team shall operate in accordance with the protocol
8 established under W.S. 14-3-215. Upon motion by a party,
9 the court may add or dismiss a member of the
10 multidisciplinary team.

11

12 (c) The multidisciplinary team shall include the
13 following:

14

15 (ii) A representative of the school district who
16 has direct knowledge of the child and, if the child
17 receives special education, is a member of the child's
18 individualized education plan team;

19

20 (iv) The child's psychiatrist, psychologist or
21 mental health professional; ~~and~~

22

23 (v) The district attorney or his designee; ~~and~~ and

24

1 (vi) The child's attorney or guardian ad litem,
2 if one is appointed by the court;

3

4 (vii) The volunteer lay advocate, if one is
5 appointed by the court; and

6

7 (viii) The foster parent.

8

9 (d) In addition to the persons listed in subsection
10 (c) of this section, the court may appoint one (1) or more
11 of the following persons to the multidisciplinary team:

12

13 (iii) The child;

14

15 (iv) A relative;

16

17 (v) If the predispositional study indicates a
18 parent or child has special needs, an appropriate
19 representative of the department of health's substance
20 abuse, mental health or developmental disabilities division
21 who has knowledge of the services available in the state's
22 system of care that are pertinent to those identified
23 needs;

24

1 ~~(iii)~~ (vi) Other professionals or persons who
2 have particular knowledge relating to the child or his
3 family, or expertise in children's services and the child's
4 or parent's specific disability or special needs, including
5 linguistic and cultural needs.

6
7 (e) The multidisciplinary team shall, as quickly as
8 reasonably possible and in accordance with rules and
9 regulations promulgated by the department of family
10 services, review the child's personal and family history,
11 school, mental health and department of family services
12 records and any other pertinent information, for the
13 purpose of making case planning recommendations. The team
14 shall involve the child in the development of
15 recommendations to the extent appropriate.

16
17 (j) Any member of a multidisciplinary team who cannot
18 ~~personally~~ attend team meetings in person or by telephone
19 may submit written reports and recommendations to the other
20 team members and to the court. Individuals who are not
21 members of the multidisciplinary team but have knowledge
22 pertinent to the team's decisions may be asked to provide
23 information to the multidisciplinary team. Such individuals

1 shall be bound by the confidentiality provisions of
2 subsection (g) of this section.

3

4 (k) The department shall develop a case plan for a
5 juvenile when there is a recommendation to place the child
6 outside the home.

7

8 (m) If the child is placed outside the home, the
9 multidisciplinary team shall meet quarterly to review the
10 child's and the family's progress toward meeting the goals
11 or expectations in the case plan and the multidisciplinary
12 team shall provide a written report with recommendations to
13 the court prior to each review hearing.

14

15 (n) No later than five (5) business days prior to the
16 dispositional hearing, the multidisciplinary team shall
17 file with the court the multidisciplinary team report which
18 shall include the multidisciplinary team's recommendations
19 and the department case plan in a standard format
20 established by the department.

21

22 (o) Five (5) business days prior to each review
23 hearing, the multidisciplinary team shall file with the
24 court a report updating the multidisciplinary team report,

1 the multidisciplinary team's recommendations and the
2 department case plan.

3

4 **Section 3.** W.S. 14-3-215 is amended and renumbered as
5 14-3-216 to read:

6

7 ~~14-3-215~~ 14-3-216. **Other laws not superseded.**

8

9 No laws of this state are superseded by the provisions of
10 W.S. 14-3-201 through ~~14-3-215~~ 14-3-216.

11

12 **Section 4.** W.S. 14-3-203(a)(iv), 14-3-212(c)(ii),
13 14-3-402(a)(xii)(B)(I) through (IV), 14-3-407(b),
14 14-3-427(d)(i) and (ii), 14-6-227(d)(i) and (ii) and
15 14-6-427(d)(i) and (ii) are repealed.

16

17 **Section 5.**

18

19 (a) Except as provided in subsection (b) of this
20 section, this act is effective July 1, 2005.

21

1 (b) W.S. 14-3-215(b), as created by this act, is
2 effective immediately upon completion of all acts necessary
3 for a bill to become law as provided by Article 4, Section
4 8 of the Wyoming Constitution.

5

6

(END)