

## 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  
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), (d)(i),  
13 (ii) and (e) and 14-3-214(b) by creating a new paragraph  
14 (viii) and (f) are amended to read:

15

16 **14-3-202. Definitions.**

17

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

2

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

7

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

14

15 **14-3-205. Child abuse or neglect; persons required to**  
16 **report.**

17

18 (c) Any person or agency who knows that a child has  
19 been abused or neglected, and knowingly fails to report in  
20 accordance with this article is guilty of a misdemeanor  
21 punishable by imprisonment for not more than six (6)  
22 months, a fine of not more than seven hundred fifty dollars  
23 (\$750.00), or both. Any employer, public or private, who  
24 discharges, suspends, disciplines or penalizes an employee

1 solely for making a report of neglect or abuse under W.S.  
2 14-3-201 through 14-3-215 is guilty of a misdemeanor  
3 punishable by imprisonment for not more than six (6)  
4 months, a fine of not more than seven hundred fifty dollars  
5 (\$750.00), or both.

6  
7 **14-3-213. Central registry of child protection cases;**  
8 **establishment; operation; amendment, expungement or removal**  
9 **of records; classification and expungement of reports;**  
10 **statement of person accused.**

11  
12 (a) The state agency shall establish and maintain  
13 ~~within the statewide~~ a record of all child protection  
14 ~~center~~ reports and a central registry of "under  
15 investigation" or "substantiated" child protection ~~eases~~  
16 reports in accordance with W.S. 42-2-111.

17  
18 (b) Through the recording of reports, the ~~central~~  
19 ~~registry~~ state agency's recordkeeping system shall be  
20 operated to enable the ~~center~~ state agency to:

21  
22 (ii) Continuously monitor the current status of  
23 all pending child protection cases; ~~and~~

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

4  
5 (iv) Maintain a central registry of "under  
6 investigation" reports and "substantiated" reports of child  
7 abuse or neglect for provision of information to qualifying  
8 applicants pursuant to W.S. 14-3-214(f).

9  
10 (c) ~~With the approval of the local child protective~~  
11 ~~agency,~~ Upon good cause shown and upon notice to the  
12 subject of ~~the~~ an "under investigation" or "substantiated"  
13 report, the state agency may list, amend, expunge or remove  
14 any record from the central registry in accordance with  
15 rules and regulations adopted by the state agency.

16  
17 (d) All reports of child abuse or neglect contained  
18 within the central registry shall be classified in one (1)  
19 of the following categories:

20  
21 (i) "Under investigation"; or

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

1           (e) Within six (6) months ~~any report~~ all reports  
2 classified as "under investigation" shall be reclassified  
3 as "~~founded~~ substantiated" or "~~closed~~ depending upon the  
4 ~~results of~~ expunged from the central registry, unless the  
5 state agency is notified of an open criminal investigation  
6 or criminal prosecution. ~~Unfounded~~ Unsubstantiated reports  
7 shall not be ~~expunged from~~ contained within the central  
8 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:

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 a report "under investigation", a "substantiated"  
19 finding of abuse or neglect on the central registry naming  
20 the individual or confirm that no record exists. When the  
21 individual is identified on the registry as a  
22 "substantiated" perpetrator of abuse or neglect, the report  
23 to the applicant shall contain information with respect to  
24 the date of the finding, specific type of abuse or neglect,

1 a copy of the perpetrator's voluntary statement and whether  
2 an appeal is pending. The applicant shall submit a fee of  
3 ten dollars (\$10.00) and proof satisfactory to the state  
4 agency that the prospective or current employee or  
5 volunteer whose records are being checked consents to the  
6 release of the information to the applicant. ~~Central~~  
7 ~~registry screening shall be limited to substantiated~~  
8 ~~reports of child abuse and neglect in which opportunities~~  
9 ~~for due process have been exhausted under the Wyoming~~  
10 ~~Administrative Procedure Act including an appeal through~~  
11 ~~the district court level.~~ The applicant shall use the  
12 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.** W.S. 14-3-213(d) (iii) is repealed.

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

7

8 (END)