

SENATE FILE NO. SF0089

Adult protective services.

Sponsored by: Senator(s) Ross and Representative(s)
Gingery, Stubson and Throne

A BILL

for

1 AN ACT relating to adult protective services; amending and
2 creating definitions; specifying that the department of
3 family services shall not act as a caregiver as specified;
4 requiring the department to pay specified costs; clarifying
5 circumstances under which the department shall not be
6 required to pay costs; amending services the department may
7 be ordered by a court to provide; waiving a notification
8 requirement as specified; and providing for an effective
9 date.

10

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

12

13 **Section 1.** W.S. 35-20-102(a)(ii)(intro), (C), (D), by
14 creating new subparagraphs (E) through (G), (iv)(intro),
15 (viii), (ix)(A), by creating new subparagraphs (C) and (D),
16 (xii), by creating new paragraphs (xxi) and (xxii) and by

renumbering (xxi) as (xxiii), 35-20-105(a), (c)(intro) and (i), 35-20-106(c)(ii) and 35-20-107(d) are amended to read:

35-20-102. Definitions.

(a) As used in this act:

(ii) "Abuse" means the intentional or reckless infliction, by the vulnerable adult's caregiver, person of trust or authority, professional, family member or other individual of:

(C) Cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult;
~~or~~

(D) Photographing vulnerable adults in violation of W.S. 6-4-304(b) ~~;~~

(E) Sexual abuse;

(F) Intimidation; or

(G) Exploitation.

1

2 (iv) "Caregiver" means any person or ~~agency in-~~
3 home service provider responsible for the care of a
4 vulnerable adult because of:

5

6 (viii) "Emergency services" means those
7 services, ~~including physical care and custody in a~~
8 ~~nonrestrictive environment, necessary to maintain the~~
9 ~~vulnerable adult's vital functions and without which~~
10 ~~services the vulnerable adult would suffer irreparable harm~~
11 ~~or death~~ that may be provided to assist vulnerable adults
12 to prevent or terminate abuse, neglect, exploitation,
13 intimidation or abandonment until the emergency has been
14 resolved;

15

16 (ix) "Exploitation" means the reckless or
17 intentional act taken by any person, or any use of the
18 power of attorney, conservatorship or guardianship of a
19 vulnerable adult, to:

20

21 (A) Obtain control through deception,
22 harassment, intimidation or undue influence over the
23 vulnerable adult's money, assets or property with the
24 intention of permanently or temporarily depriving the

1 vulnerable adult of the ownership, use, benefit or
2 possession of his money, assets or property;~~or~~

3
4 (C) Intentionally misuse the principal's
5 property and, in so doing, adversely affect the principal's
6 ability to receive health care or pay bills for basic needs
7 or obligations; or

8
9 (D) Abuse the fiduciary duty under a power
10 of attorney, conservatorship or guardianship.

11
12 (xii) "Protective services" means those
13 emergency services that are provided in a coordinated
14 effort facilitated by the department within communities to
15 assist vulnerable adults to prevent or terminate abuse,
16 neglect, exploitation, intimidation or abandonment until
17 the vulnerable adult no longer needs those services. These
18 services may include social casework, case management, ~~home~~
19 ~~care~~ emergency, short term in-home services such as
20 homemaker, personal care or chore services, day care,
21 social services, ~~health care~~, psychiatric or health
22 evaluations and other emergency services consistent with
23 this act;

24

1 (xxi) "Advanced age" means a person who is sixty
2 (60) years of age or older;

3

4 (xxii) "Sexual abuse" means nonconsensual sexual
5 contact including, but not limited to, unwanted touching,
6 all types of sexual assault or battery as defined in W.S.
7 6-2-302 through 6-2-304, sexual exploitation and sexual
8 photographing;

9

10 ~~(xxi)~~ (xxiii) "This act" means W.S. 35-20-101
11 through 35-20-116.

12

13 **35-20-105. Protective services; no services without**
14 **consent; responsibility for costs.**

15

16 (a) The department may furnish protective services in
17 response to a request for assistance from the vulnerable
18 adult, his caregiver, conservator, guardian, guardian ad
19 litem or agent, or a family member. The department shall
20 not serve as a caregiver.

21

22 (c) Costs incurred to furnish protective services,
23 including but not limited to fees for the services of a

1 guardian ad litem, guardian or conservator, ~~shall~~may be
2 paid by the department unless:

3
4 (i) The vulnerable adult is eligible for
5 protective services from another governmental agency or any
6 other source, taking into consideration any personal assets
7 or financial resources and services that can be provided
8 under Medicaid or any other available indigency program for
9 which the vulnerable adult may qualify; or

10
11 **35-20-106. Petition by department when caregiver**
12 **refuses to allow services; injunction.**

13
14 (c) If the court finds the allegations of the
15 petition to be true by a preponderance of the evidence, it
16 may:

17
18 (ii) Order the department to assist in
19 facilitating the coordination of community resources,
20 including service providers, churches and individuals or
21 agencies to provide ~~the~~ protective services to the extent
22 those protective services are available.

23
24 **35-20-107. Emergency services.**

1

2 (d) The vulnerable adult may be placed by the court
3 in a hospital or other suitable facility which is
4 appropriate under the circumstances. The person, hospital
5 or ~~agency~~-facility in whose care the vulnerable adult is
6 placed shall immediately notify the person responsible for
7 the care and custody of the vulnerable adult, if known, of
8 the placement. Notification shall not be required if the
9 alleged perpetrator is the person responsible for the care
10 and custody of the vulnerable adult unless the court orders
11 the notification.

12

13 **Section 2.** This act is effective July 1, 2011.

14

15

(END)