
APPENDIX A

Selected Statutes

Wyoming Statutes make few specific references to foster care. Three acts address the populations of children placed into foster care: the Child Protection Act, the Juvenile Justice Act, and the Children in Need of Supervision (CHINS) Act. Most children in foster care arrive through application of the Child Protection Act. Statutory references are as follows; these statutes can also be viewed from the Wyoming Legislature's web page, www.legisweb.state.wy.us, under Wyoming Statutes, Title 14, Children):

- W.S. 14-3-401 – 14-3-440, the Child Protection Act concerning minors alleged to be abused and neglected.
- W.S. 14-6-201 – 14-2-252, the Juvenile Justice Act, concerning minors alleged to have committed delinquent acts.
- W.S. 14-6-401 – 14-6-440, the Children in Need of Supervision (CHINS) Act, concerning minors under the age of seventeen who are ungovernable, or who have committed status offenses. The CHINS Act sunset date has been repealed (2005 Laws, Ch. 58).

In addition, statute directs DFS to develop and administer a system of temporary “shelter care” and related services for children in Wyoming. Excerpts from statutes follow:

TITLE 9 - ADMINISTRATION OF THE GOVERNMENT

CHAPTER 2 - AGENCIES, BOARDS, COMMISSIONS AND DEPARTMENTS GENERALLY

ARTICLE 21 - DEPARTMENT OF FAMILY SERVICES

9-2-2101. Department of family services; duties and responsibilities; state grants; authority to contract for shelters; definitions; youth programs .

- (a) The department of family services is created. The department of family services is the state youth services authority and the authority for public assistance and social services.
- (b) The department shall develop and administer a state program to provide shelter care for youth.

TITLE 14 – CHILDREN

CHAPTER 3 – PROTECTION

ARTICLE 2 - CHILD PROTECTIVE SERVICES

14-3-201. Purpose.

The purpose of W.S. 14-3-201 through 14-3-216 is to delineate the responsibilities of the state agency, other governmental agencies or officials, professionals and citizens to intervene on behalf of a child suspected of being abused or neglected, to protect the best interest of the child, to further offer protective services when necessary in order to prevent any harm to the child or any other children living in the home, to protect children from abuse or neglect which jeopardize their health or welfare, to stabilize the home environment, to preserve family life whenever possible and to provide permanency for the child in appropriate circumstances. The child's health, safety and welfare shall be of paramount concern in implementing and enforcing this article.

14-3-202. Definitions.

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

(viii) "State agency" means the state department of family services;

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

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

(a) The state agency shall:

(i) Administer W.S. 14-3-201 through 14-3-215;

(ii) Be responsible for strengthening and improving state and community efforts toward the prevention, identification and treatment of child abuse and neglect in the state;

(iii) Refer any person or family seeking assistance in meeting child care responsibilities, whether or not the problem presented by the person or family is child abuse or neglect, to appropriate community resources, agencies, services or facilities; and

(iv) Repealed By Laws 2005, ch. 236, § 4.

(b) The state agency may contract for assistance in providing on-call services. The assistance may include screening protection calls, making appropriate referrals to law enforcement and the agency, and maintaining a record of calls and referrals. Contractors shall have training in child protection services.

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

(i) In the principles of family centered practice that focus on providing services to the entire family to achieve the goals of safety and permanency for children, including balancing the best interests of children with the rights of parents;

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

(iii) Concerning constitutional and statutory rights of children and families from and after the initial time of contact and the worker's legal duty not to violate the constitutional and statutory rights of children and families from and after the initial time of contact;

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

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

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