

CHILD ABUSE

14-3-201. Purpose. The purpose of W.S. 14-3-201 through 14-3-215 is to protect the best interest of the child or a disabled adult, to further offer protective services when necessary in order to prevent any harm to the child or any other children living in the home or to a disabled adult, to protect children or disabled adults from abuse or neglect which jeopardize their health or welfare, to stabilize the home environment and to preserve family life whenever possible.

Source: Laws 1957, ch 220, 1; W.S. 1957, 14-21; Laws 1977, ch 110, 2; W.S. 1977, 14-2-105; Laws 1978, ch 25, 1; 1995, ch 136, 1.

14-3-202. Definitions.

- (a) As used in W.S. 14-3-201 through 14-3-215:
 - (i) "A person responsible for a child's welfare" includes the child's parent, noncustodial parent, guardian, custodian, stepparent, foster parent or other person, institution or agency having the physical custody or control of the child;
 - (ii) "Abuse" with respect to a disabled adult means as defined under W.S. 35-20-102(a)(ii). "Abuse" with respect to a child means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a 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:
 - (A) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in his ability to function within a normal range of performance and behavior with due regard to his culture;
 - (B) "Physical injury" means death or any harm to a child including but not limited to disfigurement, impairment of any bodily organ, skin bruising, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition;
 - (C) "Substantial risk" means a strong possibility as contrasted with a remote or insignificant possibility;
 - (D) "Imminent danger" includes threatened harm and means a statement, overt act, condition or status which represents an immediate and substantial risk of sexual abuse or physical or mental injury.
 - (iii) "Child" means any person under the age of eighteen (18);
 - (iv) "Child protective agency" means the field or regional offices of the department of family services;
 - (v) "Court proceedings" means child protective proceedings which have as their purpose the protection of a child through an adjudication of whether the child is abused or neglected, and the making of an appropriate order of disposition;
 - (vi) "Institutional child abuse and neglect" means situations of child abuse or neglect where a foster home or other public or private residential home, institution or agency is responsible

for the child's welfare;

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- (vii) "Neglect" with respect to a disabled adult means as defined under W.S. 35-20-102(a)(xi). "Neglect" with respect to a child means a failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child's well being. Treatment given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination is not child neglect for that reason alone;
- (viii) "State agency" means the state department of family services;
- (ix) "Subject of the report" means any child reported under W.S. 14-3-201 through 14-3-215 or the child's parent, guardian or other person responsible for the child's welfare, or any disabled adult reported under W.S. 35-20-101 through 35-20-109 or the disabled adult's caretaker;
- (x) "Unfounded report" means any report made pursuant to W.S. 14-3-201 through 14-3-215 or 35-20-101 through 35-20-109 that is not supported by credible evidence;
- (xi) "Substantiated report" means any report of child abuse or neglect pursuant to W.S. 14-3-201 through 14-3-215, or any report of abuse, neglect, exploitation or abandonment of a disabled adult under W.S. 35-20-101 through 35-20-109, that is determined upon investigation that credible evidence of the alleged abuse, neglect, exploitation or abandonment exists;
- (xii) "Abandonment" with respect to a disabled adult means as defined under W.S. 35-20-102(a)(i);
- (xiii) "Disabled adult" means any person defined under W.S. 35-20-102(a)(vi);
- (xiv) "Exploitation" with respect to a disabled adult means as defined under W.S. 35-20-102(a)(ix).

Source: Laws 1971, ch 181, 1; W.S. 1957, 14-28.7, Laws 1977, ch 110, 2; W.S. 1977, 14-2-113; Laws 1978, ch 25, 1; 1983, ch 146, 1; 1991, ch 161, 3; 1993, ch 1, 1; ch 44, 1; 1994, ch 39, 1; 1995, ch 136, 1.

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

- (a) Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made.
- (b) If a person reporting child abuse or neglect is a member of the staff of a medical or other public or private institution, school, facility or agency, he shall notify the person in charge or his designated agent as soon as possible, who is thereupon also responsible to make the report or cause the report to be made. Nothing in this subsection is intended to relieve individuals of their obligation to report on their own behalf unless a report has already been made or will be made.

Source: Laws 1971, ch 181, 2; W.S. 1957, 14-28.8; Laws 1977, ch 110, 2; W.S. 1977, 14-2-116; Laws 1978, ch 25, 1.

14-3-209. Immunity from liability. Any person, official, institution or agency participating in good faith in any act required or permitted by W.S.

14-3-201 through 14-3-215 is immune from any civil or criminal liability that might otherwise result by reason of the action. For the purpose of any civil or criminal proceeding, the good faith of any person, official or institution participating in any act permitted or required by W.S. 14-3-201 through 14-3-215 shall be presumed.

Source: Laws 1971, ch 181, 5; W.S.1957, 14-28.11- Laws 1977, ch 110, 2; W.S.1977, 14-2-120; Laws 1978, ch 25, 1.

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

- (a) The state agency and the local child protective agency shall encourage and assist in the creation of multi-disciplinary child protection teams within the communities in the state.
- (b) The local child protection team shall be composed of:
 - (i) A member of the district attorney's office;
 - (ii) A designated representative from the school district or districts within the area served by the team;
 - (iii) Representatives from other relevant professions; and
 - (iv) Temporary members selected for the needs of a particular case as determined by the team.
- (c) The local child protection team may:
 - (i) Assist and coordinate with the state agency, the local child protective agency and all available agencies and organizations dealing with children;
 - (ii) Facilitate diagnosis and prognosis; and
 - (iii) Provide an adequate treatment plan for the abused and neglected child and his family.
- (d) All records and proceedings of the child protection teams are subject to W.S. 14-3-214.

Source: Laws 1977, ch 110, 1; W.S. 1957, 14-28.12:2; W.S. 1977, 14-2-123; Laws 1978, ch 25, 1; 1981, Sp. Sess., ch 22, 1; 1985, ch 130, 1.

14-3-214. Confidentiality of records; penalties; access to information; attendance of school officials at interviews; access to central registry records pertaining to child and disabled adult protection cases.

- (a) All records concerning reports and investigations of child abuse or neglect are confidential except as provided by W.S. 14-3-201 through 14-3-215. Any person who willfully violates this subsection is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned in the county jail not more than six (6) months, or both.

- (b) Applications for access to records concerning child abuse or neglect contained in the state agency or local child protective agency shall be made in the manner and form prescribed by the state agency. Upon appropriate application, the state agency shall give access to any of the following persons or agencies for purposes directly related with the administration of W.S. 14-3-201 through 14-3-215:
 - (i) A local child protective agency;
 - (ii) A law enforcement agency, guardian ad litem, child protection team or the attorney representing the subject of the report;
 - (iii) A physician or surgeon who is treating an abused or neglected child, the child's family or a child he reasonably suspects may have been abused or neglected;
 - (iv) A person legally authorized to place a child in protective temporary custody when information in the report or record is required to determine whether to place the child in temporary protective custody;
 - (v) A person responsible for the welfare of the child;
 - (vi) A court or grand jury upon a showing that access to the records is necessary for the determination of an issue, in which case access shall be limited to in camera inspection unless the court finds public disclosure is necessary ; and
 - (vii) Court personnel who are investigating reported incidents of child abuse or neglect.
- (c) A physician or person in charge of an institution, school, facility or agency making the report shall receive, upon written application to the state agency, a summary of the records concerning the subject of the report.
- (d) Any person, agency or institution given access to information concerning the subject of the report shall not divulge or make public any information except as required for court proceedings.
- (e) Nothing in W.S. 14-3-201 through 14-3-215 prohibits the attendance of any one (1) of the following at an interview conducted on school property by law enforcement or child protective agency personnel of a child suspected to be abused or neglected provided the person is not a subject of the allegation:
 - (i) The principal of the child's school or his designee; or
 - (ii) A child's teacher or, counselor, or specialist employed by the school or school district and assigned the duties of monitoring, reviewing or assisting in the child's welfare in cases of suspected child abuse or neglect.
- (f) Upon appropriate application, the state agency shall provide to any chapter of a nationally recognized youth organization, child caring facility certified under W.S. 14-4-101 et seq., public or private school or state institution for employee or volunteer screening purposes a summary of records maintained under department of family services rules since December 31, 1986, concerning child abuse involving a named individual or confirm that no records exist. Upon

appropriate application and for employee or volunteer screening purposes, the state agency shall provide to any individual, nursing home, adult care facility, service provider of adult workshop programs or home health care provider, residential programs or any service provider of programs in an institution or community-based program, or to any state institution, a record summary concerning abuse, neglect, exploitation or abandonment of a disabled adult involving a named individual or shall confirm that no record exists. The applicant shall submit a fee of five dollars (\$5.00) and proof satisfactory to the state agency that the prospective or current employee or volunteer whose records are being checked consents to the release of the information to the applicant. Central registry screening shall be limited to substantiated reports of child abuse and neglect or substantiated reports of abuse, neglect, exploitation or abandonment of a disabled adult, in which all opportunities for due process have been exhausted under the Wyoming Administrative Procedure Act including any appeal to the district court level. The applicant shall use the information received only for purposes of screening prospective employees and volunteers who may, through their employment or volunteer services, have unsupervised access to minors or disabled adults. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. The state agency shall notify any applicant receiving a report under this section that a prospective employee is under investigation, of the final disposition of that investigation or any appeal pending. The state agency shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. 14-3-213(e). The state agency shall screen all prospective agency employees in conformity with the procedure provided under this subsection.

- (g) There is created a program administration account within the earmarked revenue fund to be known as the "child and disabled adult abuse registry account". All fees collected under subsection (f) of this section shall be credited to this account.

Source: Laws 1977, ch 110, 1; W.S. 1957, 14-28.14; W.S. 1977, 14-2-125; Laws 1978, ch 25, 1; 1985, ch 130, 1; 1991, ch 113, 2; 1994, ch 39, 1; 1995, ch. 136, 1.

14-3-215. Other laws not superseded. No laws of this state are superseded by the provisions of W.S. 14-3-201 through 14-3-215.

Source: Laws 1977, ch 110, 1; W.S. 1957, 14-28.15; W.S. 1977, 14-2-126; laws 1978, ch 25, 1.

Adopted prior to 1977

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Legal REFS.: cited above

