

## SENATE FILE NO. SF0063

Department of family services-statutory amendments.

Sponsored by: Joint Labor, Health & Social Services Interim  
Committee

A BILL

for

1 AN ACT relating to the department of family services;  
2 amending statutes and programs related to the department of  
3 family services; amending registry requirements related to  
4 child and adult protection reports; abolishing the skills  
5 training center pilot program; making the operation of  
6 adult student financial aid programs contingent upon  
7 available funding; amending the low income home energy  
8 assistance program; amending eligibility verification  
9 processes related to public welfare benefits; updating  
10 obsolete references; repealing obsolete language; and  
11 providing for an effective date.

12

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

14

1           **Section 1.** W.S. 14-3-214(f) and by creating a new  
2 subsection (j), 35-20-115(a), (b)(intro), (ii), (iii), by  
3 creating a new paragraph (iv) and (c), 35-20-116(a) and by  
4 creating a new subsection (c), 42-2-102(a)(vii)(F) and by  
5 creating new subparagraphs (G) and (H),  
6 42-2-103(b)(iv)(intro), (x) and (c), 42-2-501(c)(ii) and by  
7 creating a new subsection (g) and 42-10-104(a)(iii) are  
8 amended to read:

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           (f) Upon appropriate application, the state agency  
16 shall provide to any ~~chapter of a nationally recognized~~  
17 ~~youth organization, child caring facility certified under~~  
18 ~~W.S. 14-4-101 et seq., public or private school or state~~  
19 ~~institution~~ employer or entity whose employees or  
20 volunteers may have unsupervised access to children in the  
21 course of their employment or volunteer service, for  
22 employee or volunteer screening purposes, a summary of  
23 central registry records maintained under state agency

1 rules since December 31, 1986, for purposes of screening  
2 employees or volunteers. The state agency shall provide the  
3 results of the records check to the applicant by certified  
4 mail if the records check confirms the existence of a  
5 report "under investigation" or a "substantiated" finding  
6 of abuse or neglect. Otherwise, the state agency shall  
7 provide the results of the records check to the applicant  
8 in accordance with agency rules and by United States mail.  
9 The written results shall confirm that there is a report  
10 "under investigation", a "substantiated" finding of abuse  
11 or neglect on the central registry naming the individual or  
12 confirm that no record exists. When the individual is  
13 identified on the registry as a "substantiated" perpetrator  
14 of abuse or neglect, the report to the applicant shall  
15 contain information with respect to the date of the  
16 finding, specific type of abuse or neglect, a copy of the  
17 perpetrator's voluntary statement and whether an appeal is  
18 pending. The applicant, or an agent on behalf of the  
19 applicant, shall submit a fee of ten dollars (\$10.00) and  
20 proof satisfactory to the state agency that the prospective  
21 or current employee or volunteer whose records are being  
22 checked consents to the release of the information to the  
23 applicant. The applicant shall use the information received

1 only for purposes of screening prospective employees and  
2 volunteers who may, through their employment or volunteer  
3 services, have unsupervised access to minors. Applicants,  
4 their employees or other agents shall not otherwise divulge  
5 or make public any information received under this section.  
6 The state agency shall notify any applicant receiving  
7 information under this subsection of any subsequent  
8 reclassification of the information pursuant to W.S.  
9 14-3-213(e). The state agency shall screen all prospective  
10 agency employees in conformity with the procedure provided  
11 under this subsection.

12

13 (j) Any person may request a central registry screen  
14 and summary report on themselves as provided by subsection  
15 (f) of this section upon payment of the fee required by  
16 subsection (f) of this section.

17

18 **35-20-115. Central registry of adult protection**  
19 **cases; establishment; operation; amendment, expungement or**  
20 **removal of records; classification and expungement of**  
21 **reports; statement of person accused.**

22

1 (a) The department shall establish and maintain a  
2 record of all adult protection reports and a central  
3 registry of under investigation and substantiated adult  
4 protection cases under this act.

5  
6 (b) Through the recording of ~~substantiate~~ reports,  
7 the ~~central registry~~ department's recordkeeping system  
8 shall be operated to assist the department to:

9  
10 (ii) Continuously monitor the current status of  
11 all pending adult protection cases; ~~and~~

12  
13 (iii) Evaluate the effectiveness of existing  
14 laws and programs through the development and analysis of  
15 statistical and other information; ~~and~~

16  
17 (iv) Maintain a central registry of "under  
18 investigation" reports and "substantiated" reports of abuse  
19 or neglect of vulnerable adults for provision of  
20 information to qualifying applicants pursuant to W.S.  
21 35-20-116. Within six (6) months of being placed in the  
22 central registry, all reports classified as "under  
23 investigation" shall be reclassified as "substantiated" or

1 expunged from the central registry, unless the state agency  
2 is notified of an open criminal investigation or criminal  
3 prosecution. Unsubstantiated reports shall not be contained  
4 within the central registry.

5  
6 (c) Upon written application of the department or any  
7 substantiated person and ~~with the approval of the local law~~  
8 ~~enforcement agency in adult protection cases,~~ upon good  
9 cause shown and ~~upon~~ notice to the department, the subject  
10 of the report and all interested parties, the department  
11 may amend, expunge or remove any record from the central  
12 registry.

13  
14 **35-20-116. Access to central registry records**  
15 **pertaining to adult protection cases; child and vulnerable**  
16 **adult abuse and registry account.**

17  
18 (a) Upon appropriate application and for employee or  
19 volunteer screening purposes, the department shall provide  
20 to any ~~individual, nursing home, adult care facility,~~  
21 ~~educational facility, service provider of adult workshop~~  
22 ~~programs or home health care provider, residential program~~  
23 ~~or any service provider of programs in an institution or~~

1 ~~community-based program, or to any state institution,~~  
2 employer or entity whose employees or volunteers may have  
3 unsupervised access to vulnerable adults in the course of  
4 their employment or volunteer service a record summary  
5 concerning abuse, neglect, exploitation or abandonment of a  
6 vulnerable adult involving a named individual or shall  
7 confirm that no record exists. The state agency shall  
8 provide the results of the records check to the applicant  
9 by certified mail if the records check confirms the  
10 existence of a report "under investigation" or a  
11 "substantiated" finding of abuse or neglect. Otherwise,  
12 the state agency shall provide the results of the records  
13 check to the applicant in accordance with agency rules and  
14 by United States mail. The written results shall confirm  
15 that there is a report "under investigation", a  
16 "substantiated" finding of abuse or neglect on the central  
17 registry naming the individual or confirm that no record  
18 exists. When the individual is identified on the registry  
19 as a "substantiated" perpetrator of abuse or neglect, the  
20 report to the applicant shall contain information with  
21 respect to the date of the finding, specific type of abuse  
22 or neglect, a copy of the perpetrator's voluntary statement  
23 and whether an appeal is pending. Any applicant receiving

1 a report under this section identifying an individual as  
2 "under investigation" shall be notified by the department  
3 as to the final disposition of that investigation and  
4 whether an appeal is pending. The applicant, or an agent  
5 on behalf of the applicant, shall submit a fee of not to  
6 exceed ten dollars (\$10.00) as established by the  
7 department and proof satisfactory to the department that  
8 the prospective or current employee or volunteer whose  
9 records are being checked consents to the release of the  
10 information to the applicant. ~~Central registry screening~~  
11 ~~shall be limited to substantiated reports of abuse,~~  
12 ~~neglect, exploitation or abandonment of a vulnerable adult~~  
13 ~~in which opportunities for due process have been exhausted~~  
14 ~~under the Wyoming Administrative Procedure Act, including~~  
15 ~~an appeal through the district court level.~~ The applicant  
16 shall use the information received only for purposes of  
17 screening prospective employees and volunteers who may,  
18 through their employment or volunteer services, have  
19 unsupervised access to vulnerable adults. Applicants, their  
20 employees or other agents shall not otherwise divulge or  
21 make public any information received under this section.  
22 ~~The department shall notify any applicant receiving a~~  
23 ~~report under this section that a prospective employee is~~



1 ~~under investigation, of the final disposition of that~~  
2 ~~investigation or whether an appeal is pending.~~ The  
3 department shall notify any applicant receiving information  
4 under this subsection of any subsequent reclassification of  
5 the information pursuant to W.S. 35-20-115(c). The  
6 department shall screen all prospective employees in  
7 conformity with the procedure provided under this  
8 subsection.

9  
10 (c) Any person may request a central registry screen  
11 and summary report on themselves as provided by subsection  
12 (a) of this section upon payment of the fee required by  
13 subsection (a) of this section.

14  
15 **42-2-102. Definitions.**

16  
17 (a) Except as otherwise specifically provided, as  
18 used in this article:

19  
20 (vii) "Public welfare benefit" means financial  
21 assistance provided to eligible persons in the form of a  
22 performance payment, vendor payment, supplemental nutrition  
23 assistance program benefit, electronic benefit transfer or

1 cash. These benefits may be received from several state or  
2 federal welfare programs including:

3

4 (F) ~~Day-Child~~ care- program;

5

6 (G) Personal opportunities with employment  
7 responsibilities (POWER);

8

9 (H) Supplemental nutrition assistance  
10 program.

11

12 **42-2-103. Provision of assistance and services;**  
13 **duties of department; burial assistance; state supplemental**  
14 **security income program.**

15

16 (b) In carrying out subsection (a) of this section  
17 and except as provided under the Wyoming Medical Assistance  
18 and Services Act, the department shall:

19

20 (iv) Supervise the expenditure of state funds  
21 and federal funds allocated to the state for purposes of  
22 providing public assistance and social services in such a  
23 manner as to ensure that, to the extent funds are available

1 and authorized by the legislature, funds may be used in  
2 separate state-funded programs to:

3  
4 (x) To the extent funds are available and  
5 authorized by the legislature and if full-time students as  
6 defined by W.S. 42-2-109 are required by federal law or  
7 regulation to work in addition to attending school  
8 full-time, create a state funds only program using funds  
9 required for maintenance of effort to provide assistance to  
10 such students. Such a program shall take priority over  
11 other uses of the maintenance of effort funds available;  
12 ~~other than the pilot program provided by W.S.~~  
13 ~~42-2-103(b) (iv) (B) which shall have first priority;~~

14  
15 (c) Notwithstanding any other provision of this  
16 article, the department shall pay the burial or cremation  
17 expenses of any recipient of aid under the personal  
18 opportunities with employment responsibilities (POWER)  
19 program, supplemental security income or Medicaid at the  
20 time of his death and without sufficient means in his own  
21 estate or other resources to provide burial or cremation.  
22 To the extent funds are available and authorized by the  
23 legislature, the amount paid under this subsection shall

1 not exceed ~~one thousand dollars (\$1,000.00)~~ five hundred  
2 dollars (\$500.00) after consideration of funds available to  
3 the recipient from all other sources. In determining  
4 eligibility under this subsection, the department shall not  
5 consider as available funds, an amount up to or equal to  
6 one thousand five hundred dollars (\$1,500.00) of the corpus  
7 of a Medicaid qualifying trust meeting the requirements of  
8 W.S. 42-4-113. No board of county commissioners shall be  
9 responsible for any burial or cremation expenses in excess  
10 of the amount paid under this subsection. Burial or  
11 cremation expenses under this subsection shall not include  
12 those expenses relating to cemetery costs.

13

14 **42-2-501. Low income home energy assistance and**  
15 **weatherization program; funding.**

16

17 (c) In addition to categorically eligible individuals  
18 authorized under P.L. 97-35, as amended, the state plan  
19 shall provide eligibility for those households with incomes  
20 which do not exceed the greater of:

21

22 (ii) An amount equal to sixty percent (60%) of  
23 the state median household income.

1

2 (g) To the extent the department encounters an  
3 individual enrolled in Medicaid who the department has  
4 reason to believe is not eligible for Medicaid, the  
5 department shall inform the individual and the department  
6 of health Medicaid division of the reason the department  
7 does not believe the individual is eligible.

8

9 **42-10-104. Case review process.**

10

11 (a) If the department finds a discrepancy or change  
12 in circumstances as a result of the activities required by  
13 W.S. 42-10-102 or 42-10-103, the department shall review  
14 the case using the following procedures:

15

16 (iii) The applicant or recipient shall respond  
17 within ~~thirty (30)~~ ten (10) business days from the date of  
18 the written notice of the discrepancy or change in  
19 circumstances;

20

21 **Section 2.** W.S. 42-2-102 (a) (vii) (B) and (C) and  
22 42-2-103 (b) (iv) (B) are repealed.

23

1       **Section 3.** This act is effective July 1, 2017.

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3

(END)