

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) and (x), 42-2-501(c)(ii),
7 42-10-104(a)(iii) and 42-10-105 by creating a new
8 subsection (b) are 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 or current
2 employees and volunteers who may, through their employment
3 or volunteer services, have unsupervised access to minors.
4 Applicants, their employees or other agents shall not
5 otherwise divulge or make public any information received
6 under this section. The state agency shall notify any
7 applicant receiving information under this subsection of
8 any subsequent reclassification of the information pursuant
9 to W.S. 14-3-213(e). The state agency shall screen all
10 prospective agency employees in conformity with the
11 procedure provided 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~~ 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 or current employees and volunteers
18 who may, through their employment or volunteer services,
19 have unsupervised access to vulnerable adults. Applicants,
20 their employees or other agents shall not otherwise divulge
21 or 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 **42-2-501. Low income home energy assistance and**
16 **weatherization program; funding.**

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

22

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

3
4 **42-10-104. Case review process.**

5
6 (a) If the department finds a discrepancy or change
7 in circumstances as a result of the activities required by
8 W.S. 42-10-102 or 42-10-103, the department shall review
9 the case using the following procedures:

10
11 (iii) The applicant or recipient shall respond
12 within ~~thirty (30)~~ ten (10) business days from the date of
13 the written notice of the discrepancy or change in
14 circumstances;

15
16 **42-10-105. Referral of cases for investigation.**

17
18 (b) To the extent the department encounters an
19 individual enrolled in Medicaid who the department has
20 reason to believe is not eligible for Medicaid, the
21 department shall inform the individual and the department
22 of health Medicaid division of the reason the department
23 does not believe the individual is eligible.

1

2 **Section 2.** W.S. 42-2-102(a)(vii)(B) and (C) and
3 42-2-103(b)(iv)(B) are repealed.

4

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

6

7

(END)