

ENROLLED ACT NO. 43, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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

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

**Section 1.** W.S. 14-3-214(f) and by creating a new subsection (j), 35-20-115(a), (b)(intro), (ii), (iii), by creating a new paragraph (iv) and (c), 35-20-116(a) and by creating a new subsection (c), 42-2-102(a)(vii)(F) and by creating new subparagraphs (G) and (H), 42-2-103(b)(iv)(intro) and (x), 42-2-501(c)(intro) and (ii), 42-10-104(a)(iii) and 42-10-105 by creating a new subsection (b) are amended to read:

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

(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~~ employer or entity whose employees or volunteers may have unsupervised access to children in the

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course of their employment or volunteer service, for employee or volunteer screening purposes, a summary of central registry records maintained under state agency rules since December 31, 1986, for purposes of screening employees or volunteers. The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the existence of a report "under investigation" or a "substantiated" finding of abuse or neglect. Otherwise, the state agency shall provide the results of the records check to the applicant in accordance with agency rules and by United States mail. The written results shall confirm that there is a report "under investigation", a "substantiated" finding of abuse or neglect on the central registry naming the individual or confirm that no record exists. When the individual is identified on the registry as a "substantiated" perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator's voluntary statement and whether an appeal is pending. The applicant, or an agent on behalf of the applicant, shall submit a fee of ten dollars (\$10.00) 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. The applicant shall use the information received only for purposes of screening prospective or current employees and volunteers who may, through their employment or volunteer services, have unsupervised access to minors. 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 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

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prospective agency employees in conformity with the procedure provided under this subsection.

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

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

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

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

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

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

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

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investigation" shall be reclassified as "substantiated" or expunged from the central registry, unless the state agency is notified of an open criminal investigation or criminal prosecution. Unsubstantiated reports shall not be contained within the central registry.

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

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

(a) Upon appropriate application and for employee or volunteer screening purposes, the department shall provide to any ~~individual, nursing home, adult care facility, educational facility, service provider of adult workshop programs or home health care provider, residential program or any service provider of programs in an institution or community-based program, or to any state institution,~~ employer or entity whose employees or volunteers may have unsupervised access to vulnerable adults in the course of their employment or volunteer service a record summary concerning abuse, neglect, exploitation or abandonment of a vulnerable adult involving a named individual or shall confirm that no record exists. The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the existence of a report "under investigation" or a "substantiated" finding of abuse or neglect. Otherwise,

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the state agency shall provide the results of the records check to the applicant in accordance with agency rules and by United States mail. The written results shall confirm that there is a report "under investigation", a "substantiated" finding of abuse or neglect on the central registry naming the individual or confirm that no record exists. When the individual is identified on the registry as a "substantiated" perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator's voluntary statement and whether an appeal is pending. Any applicant receiving a report under this section identifying an individual as "under investigation" shall be notified by the department as to the final disposition of that investigation and whether an appeal is pending. The applicant, or an agent on behalf of the applicant, shall submit a fee of not to exceed ten dollars (\$10.00) as established by the department and proof satisfactory to the department 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 abuse, neglect, exploitation or abandonment of a vulnerable adult in which opportunities for due process have been exhausted under the Wyoming Administrative Procedure Act, including an appeal through the district court level.~~ The applicant shall use the information received only for purposes of screening prospective or current employees and volunteers who may, through their employment or volunteer services, have unsupervised access to vulnerable adults. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. ~~The department shall notify any applicant receiving a report under this section that a prospective employee is~~

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

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

**42-2-102. Definitions.**

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

(vii) "Public welfare benefit" means financial assistance provided to eligible persons in the form of a performance payment, vendor payment, supplemental nutrition assistance program benefit, electronic benefit transfer or cash. These benefits may be received from several state or federal welfare programs including:

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

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

(H) Supplemental nutrition assistance program.

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

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

(iv) Supervise the expenditure of state funds and federal funds allocated to the state for purposes of providing public assistance and social services in such a manner as to ensure that, to the extent funds are available and authorized by the legislature, funds may be used in separate state-funded programs to:

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

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

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

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

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

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

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

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

(b) To the extent the department encounters an individual enrolled in Medicaid who the department has reason to believe is not eligible for Medicaid, the department shall inform the individual and the Wyoming Medicaid program of the reason the department does not believe the individual is eligible.

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



ORIGINAL SENATE  
FILE NO. SF0063

ENGROSSED

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk