

~~Wyoming Department of Family Services~~

~~CENTRAL REGISTRY FOR CHILD
AND VULNERABLE ADULT PROTECTION CASES~~

~~CHAPTER 1
GENERAL PROVISIONS~~

Section 1. Authority.

These rules of the Department of Family Services (Department) regarding the Central Registry of Child and Vulnerable Adult Protection cases are promulgated pursuant to W.S. § 14-3-213 through W.S. § 14-3-214, W.S. § 35-20-103, and W.S. § 35-20-115; through W.S. § 35-20-116.

Section 2. Purpose.

These rules are adopted to establish and maintain a central registry system to protect Wyoming children and vulnerable adults from maltreatment.

Section 3. Severability.

If any provision of these rules or the application thereof to any person, program, service or circumstance is held invalid, the invalidity shall not affect other provisions or applications of these rules. To the extent that these rules can be given effect without the invalid provision, the provisions of these rules are severable.

Section 4. ~~Statutory Changes~~Definitions.

~~Whenever these rules refer to Wyoming statutes and those statutes are renumbered or amended, these rules shall be interpreted to reflect such changes.~~

Section 5. ~~Definitions.~~

(a) “Applicant” means an employer or entity whose employees or volunteers may have unsupervised access to children or vulnerable adults in the course of their employment or volunteer service, which may include child caring facilities, any state agency, and state institutions, who applies to the Department for a Central Registry screen.

~~(i) “Applicant for child protection screens” is an organization or employer who applies to have a child abuse/neglect record check performed on a volunteer, a prospective employee or an employee who has or may have unsupervised access to minors, according to W.S. § 14-3-214.~~

~~(ii) “Applicant for vulnerable adult protection screens” is 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 any state institution who applies for a record check performed on a volunteer, a prospective employee or an employee who has or may have unsupervised access to a vulnerable adult, according to W.S. § 35-20-116.~~

(b) “Central Registry”

~~(i) — “Central Registry for child maltreatment screens” means a statewide electronic record of persons who have been the subject of a substantiated child or vulnerable adult maltreatment complaint or for whom a complaint is under investigation. The record contains the findings of the child protection investigation.~~

~~(ii) — “Central Registry for vulnerable adult maltreatment screens” means a statewide electronic record of persons whom the Department has substantiated as being responsible for the maltreatment of a vulnerable adult or for whom a complaint is under investigation.~~

~~(i) The Central Registry is not a list of court adjudications. Substantiated findings are based upon a “preponderance of the evidence” standard. Unsubstantiated reports, cases in which the perpetrator was a minor, and low risk (per the Rules Governing Child Protective Services, December 1992) child protection cases do not remain on the Central Registry.~~

~~(ii) When child and vulnerable adult maltreatment investigations are completed by the Wind River Reservation pursuant to a contract entered into between the Department and a Wind River tribal entity, Tribal Social Services is responsible for entry of cases into the Department’s record system if all required notices are provided to the subject of the investigation, per the contract. Cases in which all required notices to the subject of the investigation cannot be verified shall be amended from the Department’s Central Registry.~~

~~(c) — “Child” means any person under the age of majority.~~

~~(d)(c) “Central Registry Checkscreen” is the process of examining the Wyoming Department’s of Family Services’ computer records system upon appropriate application to determine if an individual has been involved in an incident involving maltreatment of a child or vulnerable adult and is listed as being on the Central Registry.~~

~~(e) — “Department” means the State of Wyoming, Department of Family Services, also known as DFS.~~

~~(f) — “Low risk” means those cases where child abuse or neglect is alleged, but investigation reveals no indication of imminent harm to the child, pre the Rules and Regulations Governing Child Protective Services (December, 1992).~~

~~(g)(d) “Maltreatment” is defined to include abuse, and neglect of children and vulnerable adults, and exploitation, and abandonment, and intimidation of vulnerable adults.~~

as further defined by Wyoming Statutes and Rules and Regulations governing Child Protection Services and Adult Protection Services.

~~(h) — “Minor Incident” is defined as a classification of abuse which does not threaten the welfare or well being of a vulnerable adult; or neglect which does not result in the deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, or other care necessary to maintain a vulnerable adult’s life or health, and does not result in a life threatening situation.~~

~~(i) — “Nationally recognized youth organization” means an organization whose main focus is to serve youth, and who is recognized, or known, in more than one state. The organization’s purposes for requesting volunteer, prospective employee or current employee Central Registry record checks must be consistent with the legislative intent of protecting children or vulnerable adults. Additionally, the requesting organization shall be registered with the Better Business Bureau, the National Chamber of Commerce or the National Council of Charities, and non-profit corporations shall be registered with the Wyoming Secretary of State.~~

~~(j) — “Perpetrator” is defined as a person who has a substantiated case of child abuse/neglect or adult maltreatment within the rules and policies of DFS.~~

~~(k)(e) “Preponderance of the evidence” means the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe a standard of proof which is met when evidence, based on the facts, indicates that it is more likely than not the child or vulnerable adult was abused, or neglected, or the vulnerable adult was abused, neglected, intimidated, exploited, or abandoned.~~

~~(l) — “Prospective employee”~~

~~(i) — Means someone who has not started working for an employer. A job offer may have been proposed, and even accepted, but until the individual starts working, employment has not commenced.~~

~~(ii) — A probationary employee may be considered to be a prospective employee if an authorization of release of information was executed prior to actual employment (work done for employer), and the probation is expressly tied to a resolution of the maltreatment screening process. The authorization of release of information must have been sent to the Department within thirty (30) days from the date of authorization.~~

~~(m) — “Screening of Prospective Employees and Volunteers” is the applicant’s ability to use Central Registry information in determining whether to hire a prospective employee or volunteer or dismiss a current volunteer. This information may not be used to take any personnel action against a current employee.~~

~~(n)(f) “Substantiated Rreport” means any report of maltreatment, made to the Department, for which it is determined, after an investigation, that there is a preponderance of the evidence of maltreatment of a child or vulnerable adult exists.~~

~~(e)(g)~~ “Under investigation” means any report of maltreatment, made to the Department, for which there is no finding for a period of up to six (6) months after the investigation is initiated. ~~After six (6) months, all reports classified as “under 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.~~

~~(p)(h)~~ “Unsubstantiated report” means any report of maltreatment, made to the Department, for which it is determined, after an investigation, that no maltreatment does not exist, based on a preponderance of the evidence of the alleged maltreatment exists.

~~(q)(i)~~ “Volunteer” means a person who performs a service for an organization, and who does not receive compensation for that service. “Volunteer” as used in these rules and regulations, includes both prospective and current volunteers.

~~(r)~~ “Vulnerable adult” means any person eighteen (18) years of age or older who is unable to manage and take care of himself or his property without assistance as a result of advanced age or physical or mental disability.

~~(s)~~ “WYCAPS” is the DFS computer system for case management and the Central Registry.

~~Section 6. — Introduction.~~

~~The Department is responsible for providing child and adult protective services to children and families. The Department will create, maintain and use the Central Registry to aid in fulfilling that responsibility.~~

~~Section 7. — Goals~~

~~The creation and maintenance of the Central Registry is directed toward the following four (4) goals:~~

~~(a) — Identification of prior substantiated reports for use in the evaluations of current reports;~~

~~(b) — Monitoring the current status of all pending cases;~~

~~(c) — Collection of statistical information for use in public education and evaluation of program effectiveness.~~

~~(d) — Performance of Central Registry record checks for employment purposes, on volunteers, prospective or current employees who may have unsupervised access to children and vulnerable adults, according to W.S. § 14-3-214(f) and W.S. § 35-20-115.~~