

~~Wyoming Department of Family Services~~

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

~~CHAPTER 3
CENTRAL REGISTRY CHECKS SCREENS~~

~~Section 1. Eligibility Types of Entries.~~

~~Central Registry record checks concerning children and vulnerable adults shall be conducted by the Department upon proper application.~~

~~(a) — Child Abuse/Neglect: Record checks of the child abuse registry may be requested by the following: any chapter of a nationally recognized youth organization, a child caring facility certified under W.S. § 14-4-101 (*et seq.*), a public or private school or any state institution. Record checks will only be performed on volunteers and prospective employees who may have unsupervised access to children, and who authorize the release of child abuse/neglect record information regarding them, according to W.S. § 14-3-214.~~

~~(b) — Vulnerable Adult Abuse/Neglect, Exploitation, or Abandonment: Record checks for abuse, neglect, exploitation and abandonment of vulnerable adults may be requested by the following: any individual, nursing home, adult care facility, educational facility, service provider of adult workshop programs or home health care provider, residential programs or any service provider or program in an institution or community-based program, or to any state institution. Record checks will be performed for volunteers and prospective employees and employees who may have unsupervised access to vulnerable adults and who authorize the release of abuse, neglect, exploitation and abandonment record information regarding them, per W.S. § 35-20-116.~~

~~(a) Names of individuals shall be registered on the Central Registry.~~

~~(b) Facilities may be named on the Central Registry due to institutional neglect, which may include, but is not limited to abusive staff and / or policy or environmental factors, which place children or vulnerable adults at risk.~~

~~(i) When a facility is substantiated upon for institutional neglect and is listed on the Central Registry, the facility shall be listed by the organization's legal name or entity in which the organization is licensed under. A facility's board members or directors shall not individually be listed on the Central Registry unless the board member or director has been substantiated upon for abuse or neglect as an individual.~~

~~(ii) When a facility is placed on the Central Registry, notice of findings and a client statement shall be provided to the appropriate person(s) who have administrative responsibility for the facility, including Board of Directors, owners, and acting director.~~

(c) If the perpetrator was a minor at the time of the incident, the Department shall not reveal any information about the substantiation. However, if the minor was tried as an adult in criminal court on charges arising from the same incident, information about the substantiation may be released in accordance with these rules.

Section 2. Application.

(a) Central Registry screens concerning maltreatment shall be conducted by the Department upon proper application by a permissible applicant. The Department shall receive and process all requests for Central Registry ~~record checks~~ screens which:

(i) Are in writing and legible (~~preferably typed~~); and

(ii) Are accompanied by ~~an~~ the Department's Application for Child and Adult Abuse/Neglect Central Registry Screen Authorization of Release of Information form, which must be completely and accurately filled out and signed by the volunteer, prospective employee or current employees, ~~and must contain the following information:~~

(A) ~~— Last, middle, and first names;~~

(B) ~~— Aliases and nicknames;~~

(C) ~~— Maiden name and prior married names;~~

(D) ~~— Social security number;~~

(E) ~~— Race;~~

(F) ~~— Sex;~~

(G) ~~— Date of birth;~~

(H) ~~— Current address;~~

(I) ~~— All addresses for the past ten (10) years; and~~

(J) ~~— Include a pre-stamped, pre-addressed envelope.~~

(b) ~~— The person being checked may voluntarily submit the names of the prospective or volunteer employee's children.~~

~~(e)~~(b) Record checks Central Registry screens willshall be completed within ~~ten (10) working days~~ a reasonable amount of time of the receipt of the requests.

Section 3. Payment for Service.

(a) The applicant shall include a check or money order, payable to the State of Wyoming, in the amount of ~~Ten Dollars~~ (\$10.00), multiplied by the number of ~~record checks~~ Central Registry screens requested. ~~If the organization pays by check, it should use a check drawn on the organization's account.~~ If payment is made by check, the check shall be drawn from the account of the applicant or person being screened.

(b) Arrangements ~~must~~ shall be made in advance with the Department if the ~~employer or state agency~~ applicant wants to be billed or to perform a budget to budget transfer.

Section 4. Processing of Requests.

(a) The Department shall check for an individual's presence on the Central Registry using the information on the ~~submitted authorization~~ Department's Application for Child and Adult Abuse / Neglect Central Registry Screen form. If the individual's name appears in the Department's record system, the State Office Consultant and the Field Office Manager or Designee shall review case file information to determine if:

(i) Identifying information is correct;

(ii) There is a pending appeal;

(iii) Findings or reports on the Central Registry are supported by documentation in the file; and

(iv) There is a voluntary statement.

(b) Accuracy of the Central Registry information ~~will~~ shall be determined by:

(i) A reasonable ~~and factual~~ basis that the name on the Central Registry and the one submitted by the applicant are one and the same; and

(ii) File review; ~~or~~

(iii) Review of documents submitted to the Central Registry office;

~~(iii)~~ (iv) Police records; or

~~(iv)~~ (v) Court records; or

~~(v)~~ (vi) Written statements from Department staff who can attest to the facts to ensure the accuracy of the information; or

~~(vi)~~ (vii) Telephone contact with the subject of the application.

~~(b)~~ (c) If examination of the data submitted by the applicant matches a name in the Department records, and the Department determines the name submitted by the applicant is listed

on the Central Registry, the Department shall report to the ~~requesting agency~~ applicant the individual is listed on the Central Registry.

~~(d)~~ If it is more likely than not the individual who is the subject of the request is not an individual whose name is on the Central Registry examination of the data submitted by the applicant does not match a name in the department records, and the Department determines the name submitted by the applicant is not listed on the Central Registry, the Department shall report to the applicant the individual is not listed on the Central Registry. ~~The State Office Consultant and the Field Office Manager or Designee will review case file information to determine if:~~

~~(i) Identifying information is correct;~~

~~(ii) There is a pending appeal;~~

~~(iii) Findings on the Central Registry are supported by documentation in the file;~~

~~(iv) There is a voluntary statement.~~

~~(e)~~ (e) When the case file has been destroyed and other supportive documentation is not available through court records, ~~or~~ police records, or by Department staff affidavits, information provided to the applicant ~~will~~ shall indicate that the name did not appear on the Central Registry.

~~(d)~~ The Department 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 Department shall provide the results of the records check to the applicant by United States mail.

Section 5. Results of Record Checks Central Registry Screens.

(a) The Department ~~will~~ shall return a copy of the ~~SS-26 Department’s Application for Child and Adult Abuse / Neglect Central Registry Screen form, Authorization of Release of Child or Vulnerable Adult Central Registry~~ to the applicant, informing ~~him/her~~ the applicant of the search results.

(b) The Department shall provide the results of the Central Registry screen to the applicant by certified mail if the screening confirms the existence of a report “under investigation” or a “substantiated” finding of maltreatment. Otherwise, the Department shall provide the results of the Central Registry screen to the applicant by United States mail, and, if the person being screened gives authorization, to the applicant by encrypted email.

~~(b)~~ (c) When the individual being ~~checked~~ screened is named on the Central Registry in a case which is listed as “under investigation,” the Department shall notify the applicant that, according to Department records, the volunteer, ~~or~~ prospective employee, or current employee is under investigation. The Department shall notify any applicant receiving information under this subsection of any subsequent reclassification ~~of the information pursuant to W.S. § 14-3-213(e)~~

and whether the individual is listed on the Central Registry.

~~(e)~~(d) When the individual being checked/screened is named/appears on a substantiated allegation/the Central Registry, the Department will/shall notify the applicant that the individual was named as a perpetrator on a substantiated allegation/is identified as a substantiated perpetrator of maltreatment. If the individual was mentioned/is a substantiated perpetrator of maltreatment on more than one (1) substantiated allegation/substantiation, all of the substantiated allegations will/shall be listed. The following information about each substantiated allegation/substantiation shall be released to the applicant:

- (i) Date of finding;
- (ii) Maltreatment type; and
- (iii) A copy of the perpetrator's voluntary statement, if submitted; and.
- ~~(iv) — Any information of a pending appeal.~~

~~(d) — If the perpetrator was a minor at the time of the incident, the Department will not reveal any information about the allegation. If the minor was tried as an adult in criminal court on charges arising from the same incident, information about the allegation may be released in accordance with these rules.~~

(e) If an individual being screened appears on the Central Registry, and the substantiation in which the person is listed has an administrative appeal pending, the Department shall notify the applicant of the individual's substantiation and pending administrative appeal. The Department shall notify any applicant receiving information under this subsection of any finding of the administrative appeal and whether the individual remains listed on the Central Registry as a result of that appeal.

Section 6. Change of Entry.

(a) The Department may list, amend, expunge, or remove any record in the Central Registry if good cause is shown, which includes, but is not limited to:

- (i) Discovery of a data error;
- (ii) Uncovering of new evidence;
- (iii) Changing of a finding due to administrative hearing or subsequent court appeals; or
- (iv) Rehabilitation is demonstrated. Rehabilitation shall be determined by a professional panel appointed by the director or designee.

(b) The Department shall notify the perpetrator and applicant of any substantive

reclassification, amendment, expungement, or removal of the information.

Section 7. Alleged Perpetrator Rights.

A substantiated perpetrator has a right to provide a written statement concerning the incident on a form provided to the perpetrator by the Department. The perpetrator may provide the statement at any time during the investigation, but not later than 20 calendar days following notice of the substantiated finding. A copy of the statement shall be forwarded to the Central Registry office. A copy of the perpetrator's statement shall be provided to the applicant with the results of the Central Registry screen.

Section 8. Confidentiality.

All records concerning reports of investigations of maltreatment are confidential. All such information shall be confidentially maintained by all entities receiving and possessing Central Registry information.