

Title 14: Wyoming's Juvenile Statutes

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Overview of Wyoming Statutes, Title 14

Wyoming's laws regarding children are commonly referred to as "Title 14". Title 14 of the Wyoming statutes includes a broad range of topics from minors receiving tattoos and using tanning beds to the licensing of child care facilities. Title 14 also controls Wyoming's juvenile court process and the requirements of entities and parties involved in the child welfare, juvenile justice, and juvenile court system. The purpose of Title 14 is to provide for the safety and well-being of children, while protecting the rights of parents.

A juvenile court primarily hears three types of cases: (1) Cases in which a child has allegedly been neglected¹ or abused by someone responsible for the child's welfare; (2) Cases in which a juvenile has allegedly committed a delinquent act; and (3) Cases to determine whether a child is in need of supervision (CHINS).

Abuse and Neglect of Children²

Reports of Abuse or Neglect

Title 14 requires any person who has reasonable cause to believe or suspect a child has been abused or neglected or observes conditions that may result in abuse or neglect to make a report to law enforcement or the Wyoming Department of Family Services (DFS). This means every person in Wyoming is a mandatory reporter of child abuse and neglect.

Taking an Abused or Neglected Child into Custody

Once a report of child abuse or neglect is made, if immediate custody is necessary to protect the child, the child may be taken into temporary protective custody with or without a court order.³

The medical community, law enforcement, or a juvenile court may take protective custody of a child, and DFS is charged with finding an appropriate placement for the child. Temporary protective custody may not extend past 48 hours, and a juvenile court hearing must occur during that time to determine whether protective custody will continue.

| Persons who may take temporary protective custody without a court order | Entities who may ask the juvenile court to take protective custody |
|---|--|
| Physician | District attorney |
| Physician's assistant | DFS |
| Nurse practitioner | Law enforcement officer |
| Law enforcement officer | Administrator of a hospital where the child is being treated |
| | Physician |
| | Physician's assistant |
| | Nurse practitioner |

Child Welfare Process

Juvenile Court

Abuse and neglect cases in the juvenile court are initiated at the discretion of district and county attorneys based on whether it's in the best interest of a child to file.

During the course of an abuse or neglect case, the juvenile court oversees the hearing process, which includes shelter care⁴ hearings to determine whether the child should stay in placement; initial hearings where the alleged perpetrator makes an appearance in front of the judge; adjudicatory hearings where the judge makes a

¹ "Neglect" in Wyoming statutes includes both neglect *and* abuse of a child.

² Child abuse and neglect are primarily regulated by W.S. § 14-3-201 through 216 (Child Protective Services), and W.S. § 14-3-401 through 441 (Child Protection Act).

³ Protective custody means to remove a child from their home or from the person(s) responsible for the welfare of the child.

⁴ Shelter care is the temporary care of a child in a non-restrictive facility pending a court disposition or order to place or commit the child.

finding of whether the alleged perpetrator of abuse or neglect in fact was abusive or neglectful; and status hearings to update the court on the case progress. The judge may combine hearings together. A juvenile court:

- 1) Must appoint a multidisciplinary team (MDT);
- 2) Must appoint an attorney to the child’s parent, guardian, or custodian if the parent, guardian, or custodian can prove they cannot afford an attorney;
- 3) May appoint an attorney for any party of the case if the appointment of an attorney is necessary and in the interest of justice; and
- 4) Must appoint a guardian ad litem (GAL) if there is no parent, guardian, or custodian appearing in court on the child’s behalf, or, the interests of the parent, guardian, or custodian are contrary to the best interest of the child.

If a judge rules a person responsible for the welfare of the child was neglectful of or abusive, the judge may:

- 1) Allow the child to remain with their parent, guardian, or custodian, with conditions;
- 2) Place the child under protective custody;
- 3) Transfer custody to a relative or other suitable adult; or
- 4) Transfer custody to DFS for placement by DFS.

A judge may additionally place restrictions, limitations, and requirements on the perpetrator or child, such as order mental health evaluations, require the attendance at parenting classes, and mandate urine analysis testing or other substance screening.

Multidisciplinary Teams (MDT)

The purpose of the MDT is to bring together a team of professionals and persons with knowledge of the child and family to make recommendations as to an appropriate case plan for the family, and propose goals and objectives in order for the child to be returned home or the case to be closed. MDTs are local, community-based teams chosen by the court based on the individual needs of that case. Recommendations from MDTs vary greatly due to the local nature of the MDTs, differing member composition across the state, and access to resources and services within each community.

| Required Members of an MDT | Optional Members of an MDT |
|--|---|
| Child’s parent(s) or guardian(s) | Child |
| Representative of the school district who has direct knowledge of the child, and who is a member of the child’s individualized education plan (IEP) team if the child received special education | A representative of the Department of Health’s substance abuse, mental health, or developmental disabilities divisions who has knowledge of relevant available services |
| Representative of DFS | A relative |
| Child’s psychiatrist, psychologist, or mental health professional | Other professionals or persons who have knowledge relating to the child or family, or expertise in the child’s or family’s special needs |
| District attorney or designee | |
| Child’s attorney or GAL, if appointed by the court | |
| Volunteer lay advocate for the child, if appointed by the court | |
| Foster parent | |

Guardian ad Litem (GAL) Program

A GAL is appointed to represent the best interest of a child. Unlike most attorneys, who advocate for the client’s desired outcome, a GAL takes into account the child’s wishes, but also advocates for the child’s best interests.

In addition to being appointed to cases when the child does not have a parent, guardian, or custodian representing the child’s best interests, GALs must also be appointed to represent a child when the parental rights to that child are being terminated, unless the interests of the child are adequately represented by another party.

The GAL program currently resides in the Office of the Public Defender. The GAL program contracts with attorneys across the state to provide GAL services to children.

Parent Attorneys

A court must appoint a “parent attorney” to parents, guardians, or custodians who are unable to financially obtain their own legal representation. Currently, counties pay for the cost of parent attorneys in juvenile court,

and DFS pays for parent attorneys in termination of parental rights cases (which occur in district court, not juvenile court). Parent attorneys advocate for the wishes of the parent, guardian, or custodian, and defend the parent, guardian, or custodian when applicable.

DFS

DFS provides for the permanency, safety, and wellbeing of children. DFS is involved throughout most facets of a child welfare case. DFS engages the family; implements, monitors, and enforces the case plan; places the child out of the home if ordered by the court and provides support and monitoring when the child is placed out of the home; and ensures the safety of the child. DFS' goal is to keep children in their home and safe with their family to prevent removal of the child. If a child must be removed from the home, the goal is to reunify the child and family as quickly as appropriate.⁵ DFS updates the court on case plan progress and makes recommendations to the court and MDT regarding the needs of the family.

DFS also works with contractors and service providers to act as DFS' hands in the field. For example, DFS works with organizations which conduct urine analysis testing, provide transportation for visits between parents and children, and monitor supervised visits between parents and children.

Juvenile Delinquency⁶

A delinquent act is an act committed by a child that is punishable as a criminal offense, contempt of court by a child, or the violation of a court order resulting from a criminal conviction of a child. Status offenses, which are offenses that would not be criminal if committed by an adult, are not delinquent acts. The overarching goal of juvenile delinquency actions is to provide for the best interest of a child while at the same time ensuring public safety.

Single Point of Entry

Each district attorney and county attorney serves as a single point of entry for all allegations against juveniles who have committed a crime. This means that all charging documents and citations involving delinquent acts are provided to the prosecuting attorney in each locality, and the prosecuting attorney determines whether the best interest of the child or public safety require judicial involvement, and if so, which court (district, juvenile, circuit, municipal) the case is filed in. Wyoming statutes provide guidelines for making these determinations.

Taking a Delinquent Child into Custody

Law enforcement officers can take a child into custody without a warrant or court order when:

- 1) The circumstances permit an arrest without a warrant;
- 2) There are reasonable grounds to believe the child has violated a juvenile court order; or
- 3) Immediate custody is necessary because the child's conduct seriously endangers himself, someone else, or someone else's property.

Law enforcement may hold a child taken into custody under juvenile delinquency statutes in detention or shelter care only when the placement is required to:

- 1) Protect another person or their property;
- 2) Prevent the child from running away or being taken from the court's jurisdiction; or
- 3) Provide a child with no parent, guardian, custodian, or other responsible adult with supervision and enable the child to be returned to the court when required.

When a child is taken into custody by law enforcement and placed in either detention or shelter care, a court hearing must occur within 48 hours to determine whether continued detention or shelter care is required.

Juvenile Delinquency Process **Juvenile Court**

During a juvenile delinquency case, the juvenile court oversees the judicial process for juvenile delinquency petitions filed in the juvenile court as determined by single point of entry. This judicial process includes shelter care hearings to determine whether a child should stay in placement; initial hearings where the alleged juvenile

⁵ Pursuant to the Child Abuse Prevention and Treatment Act, 42 U.S.C. 67; and the federal Social Services Block Grant.

⁶ Juvenile delinquency is regulated by W.S. § 14-6-201 through 252 (Juvenile Justice Act), and W.S. § 14-6-301 through 314 (Juvenile Probation).

delinquent makes an appearance in front of a judge; adjudicatory hearings to determine whether a juvenile committed a delinquent act; and the juvenile court's final disposition. The judge may combine hearings. During juvenile delinquency proceedings, a judge may, among other things:

- 1) Place a child in the custody of the child's parents, guardian, or custodian, and order protective supervision by DFS or other agency or organization to supervise the child;
- 2) Place restrictions on the child, including restricting travel, associates, activities, place of residence, and curfew;
- 3) Impose any other conditions reasonably necessary to ensure the child appears at court proceedings;
- 4) By request of the district attorney, child's parents, guardian, custodian, or child's attorney, order a child to be examined by a licensed and qualified physician, surgeon, psychiatrist, or psychologist;
- 5) Restrain or control the conduct of the child's parents, guardian, custodian, or any party to the case if the court finds such person to be encouraging, causing, or contributing to the child's delinquent acts; and
- 6) Sanction a juvenile delinquent under the Wyoming sanction levels when a child violates probation or commits a new delinquent act.

Additionally, similar to child abuse and neglect cases, legal counsel and MDTs are involved in juvenile delinquency proceedings. During juvenile delinquency proceedings the judge:

- 1) Upon request, must appoint counsel to represent the child if the child and the child's parents, guardian, or custodian prove they cannot afford to obtain their own attorney;
 - a. The court appointed counsel may be a GAL if there is no parent, guardian, or custodian appearing in court on the child's behalf, or, the interests of the parent, guardian, or custodian are contrary to the best interest of the child.
- 2) Must appoint an MDT; and
- 3) May appoint an attorney for any party to the delinquency case when appointment of an attorney is in the interest of justice.

MDTs

The purpose of the MDT in juvenile delinquency proceedings is to bring together the MDT to make recommendations to the court that work towards the child returning home if the child is placed out of the home, case closure, while at the same time ensuring public safety from delinquent acts. The required and optional MDT members for juvenile delinquency actions are the same members as those for child abuse and neglect MDTs.

GAL and Child's Attorney

The juvenile court has discretion to appoint a GAL in a juvenile delinquency case. The juvenile court may appoint legal counsel for a child in a juvenile delinquency case based on financial need of the juvenile and family. If the court determines it is necessary to appoint counsel, the court has discretion to appoint a child's attorney or a GAL for the child. When representing a juvenile in a delinquency proceeding, the child's attorney primarily represents the wishes of the child, while a GAL considers first what is in the best interests of the child and also takes into account the wishes of the child.

DFS

The goal of DFS in juvenile delinquency cases is to balance the best interests of the child with public safety. DFS provides juvenile probation services for juvenile delinquents across the state. Other entities, such as counties and private organizations, also provide juvenile probation services to the courts.

DFS juvenile probation workers:

- 1) Investigate all cases referred by the juvenile court, DFS, or an institution;
- 2) Set and enforce conditions of probation or home visitation;
- 3) Report to the juvenile court the status of juveniles being monitored on juvenile probation; and
- 4) Encourage and assist children on juvenile probation in improving their conduct.

When DFS is involved in juvenile delinquency cases, DFS provides case planning, implementation, compliance, and monitoring when a child is placed outside of the home. These case plans focus on permanency of the child, specifically reunification of the child with the family or a return of the child to the community from the placement. In juvenile delinquency cases in which a child is not placed outside of the home and a child is

ordered to DFS probation, DFS provides case planning and monitoring with a focus on supporting the child in improving the child's conduct while ensuring public safety.

DFS additionally oversees the Wyoming Boys (WBS) and Wyoming Girls Schools (WGS), to which only delinquent children can be ordered. These two facilities provide residential services, including education and life skills, to delinquent children.

Children in Need of Supervision (CHINS)⁷

A CHINS petition is used to protect the best interest of the child while accounting for public safety. Unlike a delinquent act, CHINS actions are not based on criminal activity. Additionally, CHINS cannot be placed in WBS or WGS unless they are over the age of 12 and committed a delinquent act. A CHINS is a child under the age of 18 who:

- 1) Is habitually truant;
- 2) Has run away from home;
- 3) Habitually disobeys reasonable commands of the child's parents, guardian, custodian, or other person of authority; or
- 4) Is generally out of control.

All CHINS complaints are funneled through the local prosecutor's office. The prosecutor has the discretion to file a CHINS case with the juvenile court if the prosecutor believes court action is necessary to protect the best interests of the child. Prosecutors consider alternatives to court involvement such as community programs and family supports available to the child when determining whether to file a CHINS.

Taking a Child in Need of Supervision into Custody

Law enforcement officers can take a CHINS into custody without a warrant or court order when:

- 1) The circumstances permit an arrest without a warrant;
- 2) There are reasonable grounds to believe the child has violated a juvenile court order;
- 3) There are reasonable grounds to believe the child is abandoned, lost, suffering from illness or injury, or seriously endangered by the child's surroundings, and immediate custody is necessary for the child's protection;
- 4) The child's conduct seriously endangers the child and immediate custody is necessary; or
- 5) It is believed the child has run away from the child's parents, guardian, or custodian.

A CHINS may only be placed in detention or shelter care only when the placement is required to:

- 1) Protect the child;
- 2) Prevent the child from being taken from the court's jurisdiction; or
- 3) Provide a child with no parent, guardian, custodian, or other responsible adult with supervision and enable the child to be returned to the court when required.

A juvenile court hearing must take place within 48 hours of a CHINS being placed in detention or shelter care without a court order to determine whether the detention or shelter care is necessary.

CHINS Process

Juvenile Court

During a CHINS case, the juvenile court holds hearings, including shelter care hearings to determine whether a child should stay in placement; initial hearings where the alleged CHINS appears in front of the judge; adjudicatory hearings where the judge makes a finding of whether the child is a CHINS; and concluding with a disposition. The judge may, among other things:

- 1) Place a child in the custody of the child's parents, guardian, or custodian, and order protective supervision by DFS or other agency or organization to supervise the child;
- 2) Place restrictions on the child, including restricting travel, associates, activities, place of residence, and curfew;
- 3) Impose any other conditions reasonably necessary to ensure the child appears at court proceedings; and
- 4) By request of the district attorney, child's parents, guardian, custodian, or child's attorney, order a child to be examined by a licensed and qualified physician, surgeon, psychiatrist, or psychologist.

⁷ CHINS are regulated by W.S. 14-6-401 through 440 (Children in Need of Supervision Act).

Additionally, the judge:

- 1) Upon request, must appoint an attorney to represent the child if the child and the child's parents, guardian, or custodian prove they cannot afford to obtain their own attorney;
- 2) Must appoint an MDT;
- 3) Must appoint a guardian ad litem (GAL) if there is no parent, guardian, or custodian appearing in court on the child's behalf, or, the interests of the parent, guardian, or custodian are contrary to the best interest of the child; and
- 4) May appoint an attorney for any party to the delinquency case when appointment of an attorney is in the interest of justice.

The juvenile court can place restrictions and requirements in a CHINS order, including curfews, the placement of the child on probation, restriction of driving privileges, evaluation and treatment by a psychiatrist or psychologist, and community service.

MDTs

The purpose and makeup of the MDT in CHINS proceedings is the same as that of juvenile delinquency MDTs.

GAL and Child's Attorney

The juvenile court can appoint an attorney to the child in a CHINS proceeding based on financial need. However, the statute requires a GAL to be appointed in CHINS cases. When representing a juvenile in a CHINS proceeding, the child's attorney primarily represents the wishes of the child, while a GAL considers first what is in the best interest of the child and also takes into account the wishes of the child.

DFS

The goal of DFS in CHINS cases is to balance the best interest of the child with public safety. DFS provides juvenile probation services for CHINS when the juvenile court orders a CHINS to DFS probation.

DFS probation workers:

- 1) Investigate all cases referred by the juvenile court, DFS, or an institution;
- 2) Set and enforce conditions of probation or home visitation;
- 3) Report to the juvenile court the status of juveniles being monitored on juvenile probation; and
- 4) Encourage and assist children on juvenile probation in improving their conduct.

When DFS is involved in CHINS cases, DFS provides case planning, implementation, compliance, and monitoring when a child is placed outside of the home. These case plans focus on permanency of the child, specifically reunification of the child with the family or a return of the child to the community from the placement. When the juvenile court places a child in DFS custody, DFS determines where the child will live. DFS also provides many services, supports, and programs for CHINS.

Conclusion

Title 14 brings a lot of processes, players, and complexity together in an effort to provide for the safety, permanency, and well-being of children, and to ensure public safety. Title 14 establishes a coordinated system amongst law enforcement, attorneys, courts, social service agencies and organizations, and more to achieve this.