



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name Wyoming Department of Family Services		
b. Agency/Board Address 2300 Capitol Avenue, 3rd Floor	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Rachel Campbell		f. Agency Liaison Telephone Number 307-777-5218
g. Agency Liaison Email Address rachel.campbell@wyo.gov		h. Adoption Date
i. Program Central Registry for Child & Disabled Adult Protection		

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number: 1	Chapter Name: General Provision	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 2	Chapter Name: Collection of Information of the Maintenance of Central Registry	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 3	Chapter Name: Central Registry Screens	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 4	Chapter Name: Alleged Perpetrator Rights	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

- approved as to form by the **Registrar of Rules**; and
- provided to the **Legislative Service Office** and **Attorney General**:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:

b. Date on which final rules were approved as to form by the **Secretary of State** and sent to the Legislative Service Office:

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual

Printed Name of Signatory

Thomas O. Forslund

Signatory Title

Director

Date of Signature

3/12/18

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

STATEMENT OF PRINCIPAL REASONS

RULES FOR CENTRAL REGISTRY FOR CHILD & DISABLED ADULT PROTECTION

The Department of Family Services finds it necessary to amend Chapters 1 and 3, and repeal Chapters 2 and 4 of the Rules for Central Registry for Child & Disabled Adult Protection in order to ensure these Rules are consistent with statutory changes passed during the 2017 legislative session, ensure the rules are consistent with practice, and eliminate redundancy.

Definitions and statements that are covered verbatim in statute have been removed from the rules. Outdated language, including reference to an expired contract, has been removed or updated. Provisions regarding delivery and transmission of Central Registry screen results have been updated to reflect statutory provisions.

Chapter 1 has been reduced from four pages down to two pages, Chapter 3 remains at four pages, the repeal of Chapter 2 eliminates three pages, and the repeal of Chapter 4 eliminates one page for a 50 percent overall reduction of these Rules.

Wyoming Statutes §§ 9-2-2101, 14-3-213 through 214, 35-20-103 through 104, and 35-20-115 authorize the Department of Family Services to promulgate rules.

The proposed rule amendments were developed following input from the Department of Family Services and the Attorney General's Office.

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. 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.

(b) “Central Registry” means a statewide 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.

(i) The Central Registry is not a list of court adjudications. Substantiated findings are based upon a “preponderance of the evidence” standard.

(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) “Central Registry screen” is the process of examining the Department’s records upon appropriate application.

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

(e) “Preponderance of the evidence” means the standard of proof which is met when evidence, based on the facts, indicates that it is more likely than not the child was abused or neglected, or the vulnerable adult was abused, neglected, intimidated, exploited, or abandoned.

(f) “Substantiated report” 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 maltreatment exists.

(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.

(h) “Unsubstantiated report” means any report of maltreatment, made to the Department, for which it is determined, after an investigation, that maltreatment does not exist, based on a preponderance of the evidence.

(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.

Wyoming Department of Family Services

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

**CHAPTER 2
STANDARDS FOR THE COLLECTION OF INFORMATION
FOR THE MAINTENANCE OF THE CENTRAL REGISTRY**

Repealed.

CHAPTER 3
CENTRAL REGISTRY SCREENS

Section 1. Types of Entries.

- (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 screens which:
 - (i) Are in writing and legible; and
 - (ii) Are accompanied by the Department's Application for Child and Adult Abuse/Neglect Central Registry Screen form, which must be completely and accurately filled out and signed by the volunteer, prospective employee or current employee.
- (b) Central Registry screens shall be completed within 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 \$10.00, multiplied by the number of Central Registry screens requested. If payment is made by check, the check shall be drawn from the account of the

applicant or person being screened.

(b) Arrangements shall be made in advance with the Department if the 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 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 shall be determined by:

- (i) A reasonable basis that the name on the Central Registry and the one submitted by the applicant are one and the same; and
- (ii) File review;
- (iii) Review of documents submitted to the Central Registry office;
- (iv) Police records;
- (v) Court records;
- (vi) Written statements from Department staff who can attest to the facts to ensure the accuracy of the information; or
- (vii) Telephone contact with the subject of the application.

(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 applicant the individual is listed on the Central Registry.

(d) If 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.

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

Section 5. Results of Central Registry Screens.

(a) The Department shall return a copy of the Department's Application for Child and Adult Abuse/Neglect Central Registry Screen form to the applicant, informing 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.

(c) When the individual being 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, prospective employee, or current employee is under investigation. The Department shall notify any applicant receiving information under this subsection of any subsequent reclassification and whether the individual is listed on the Central Registry.

(d) When the individual being screened appears on the Central Registry, the Department shall notify the applicant that the individual is identified as a substantiated perpetrator of maltreatment. If the individual is a substantiated perpetrator of maltreatment on more than one (1) substantiation, all of the substantiated allegations shall be listed. The following information about each 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.

(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.

Wyoming Department of Family Services

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

**CHAPTER 4
ALLEGED PERPETRATOR RIGHTS**

Repealed.

~~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.~~

~~(e) — “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.~~

~~Wyoming Department of Family Services~~

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

~~CHAPTER 2
STANDARDS FOR THE COLLECTION OF INFORMATION
FOR THE MAINTENANCE OF THE CENTRAL REGISTRY~~

~~Section 1. Collection of Information.~~

~~(a) — The Department field office staff shall enter every report/complaint of suspected maltreatment of a child or vulnerable adult into the computer system.~~

~~(b) — When law enforcement conducts an investigation of maltreatment of a child or vulnerable adult, independently from the Department, and provides a report of the investigation to the Department, a social worker with the local Department field office shall review the investigation record. After reviewing the record, and consulting with the investigator when necessary, the social worker shall enter complaint information and an appropriate finding into the computer system. Then, the social worker will provide the required notice to the perpetrator, per W.S. § 14-3-213(f) and W.S. § 35-20-115(d).~~

~~(c) — When the Department assists law enforcement in third party criminal complaints (e.g. non-custodial and sexual assaults), the complaint information and appropriate findings may be entered into the computer if all required notices are provided to the subject of the investigation, per Department rules.~~

~~(d) — When federal agencies conduct maltreatment investigations of a child or vulnerable adult in federal parks or on military bases, the cases may be entered into the computer system when sanctioned by an existing agreement or contract signed by the Department, the Attorney General and the federal agency.~~

~~(e) — When investigations are completed by the Wind River Reservation under the Intergovernmental Tribal State Contract for the Provision of Social Services, Tribal Social Services is responsible for entry of cases into the computer system if all required notices are provided to the subject of the investigation, per Department rules.~~

~~Section 2. Type of Entry.~~

~~(a) — Names of individuals, not facilities, are generally registered on the Central Registry. Exception may be made when maltreatment is likely to persist due to abusive staff, policy or environmental factors, which place children or vulnerable adults at risk.~~

~~(b) — 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, e.g., Board of Directors as per the Rules and Regulations governing Adult Protective Services and Child Protective Services.~~

~~(c) — A complaint type is entered into the computer system upon receipt of the referral, or report of maltreatment of a child or vulnerable adult. Allegation types are based on the type of maltreatment alleged. More than one type of maltreatment may be asserted in a single allegation, e.g., physical abuse, medical neglect, etc.~~

~~(d) — During the course of the investigation, additional reports may be received by the field office regarding the same incident and are to be treated as part of the initial investigation. When other reports allege additional allegations of maltreatment not reported in the initial report, they shall be treated as separate and new incidents.~~

~~(e) — Determination of a finding is a decision made by the Department, per Department rules and regulations. Findings may be made prior to or without court adjudication of the same incident. Findings are not dependent on, and may be different from, adjudicative decisions. However, a court finding of child or vulnerable adult abuse, neglect, exploitation or abandonment shall be presumptive evidence that the report is substantiated.~~

~~(f) — Allegations are accepted or rejected. When allegations are accepted they are classified with one of the following findings: “Substantiated” or “Unsubstantiated.”~~

~~Section 3. Accuracy.~~

~~Prior to finalizing the data entry into the Central Registry, the social worker shall review the allegation screens to ensure that the information is correct and matches the finding.~~

~~Section 4. Changing an Entry.~~

~~The Department may amend, expunge or remove any record from the Central Registry if:~~

~~(a) — Good cause is shown, which includes, but is not limited to:~~

~~(i) — Discovery of a data entry error;~~

~~(ii) — Uncovering of new evidence;~~

~~(iii) — Change of a finding due to administrative review, fair hearing or subsequent court appeals;~~

~~(iv) — Rehabilitation is demonstrated. Rehabilitation shall be determined by a professional panel appointed by the director or designee;~~

~~(v) — Complaints would have been substantiated at low risk as per the Rules and Regulations Governing Child Protective Services (December, 1992); or substantiated as a minor incident per the Rules and Regulations Governing Adult Protective Services (August, 1998); or~~

~~(vi) — Death of the perpetrator.~~

~~(b) — Reasonable efforts shall be made to notify the perpetrator and applicant of any substantive reclassification, amendment, expungement or removal of the information.~~

~~(c) — The local Department Field Office Manager or Designee approves the change to the Central Registry, in the case of child protection cases, with approval of the local police department or the sheriff's department, in the case of vulnerable disabled adult protection cases if either the local police or sheriff's department was involved in handling the adult protection case resulting in a perpetrator being placed on the Central Registry.~~

~~(d) — Unsubstantiated child perpetrator and low risk cases, per the Rules Governing Child Protective Services (December, 1992) shall not remain on the Central Registry.~~

~~(e) — Unsubstantiated and minor incident cases, per the Rules Governing Adult Protective Services (August, 1998) shall not remain on the Central Registry.~~

Section 5. Security.

~~All records concerning reports or investigations of child abuse or neglect and vulnerable adult abuse, neglect, abandonment or exploitation are confidential pursuant to W.S. § 14-3-214, W.S. § 35-20-108 and W.S. § 35-20-112, and all such information shall be confidentially maintained.~~

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.

~~Wyoming Department of Family Services~~

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

~~CHAPTER 4
ALLEGED PERPETRATOR RIGHTS~~

~~Section 1. Alleged Perpetrator Rights.~~

~~With respect to the dissemination of Central Registry information, the perpetrator has a right to provide a written statement concerning the incident. The statement may be provided at any time during the investigation, but not later than twenty (20) calendar days following notice of the findings. The statement shall be maintained in the case file by the Department field office and a copy forwarded to the Department. The Department provides forms which are to be used for this statement. A copy of the perpetrator's statement shall be provided to the party requesting a Central Registry check.~~



WYOMING DEPARTMENT *of* FAMILY SERVICES

**Department of Family Services
Rules for Central Registry for Child & Disabled Adult Protection
Chapters 1-4
Comment Summary & Agency Response**

December 5, 2017

The Public Notice for Proposed Rules for Central Registry for Child & Disabled Adult Protection Rules Comment Period was September 5th, 2017, through October 31, 2017. They were published on the DFS Website throughout the entire comment period, published in the Cheyenne Tribune-Eagle on September 5, 2017, and in the Casper Star on September 5, 2017.

The Department received 0 requests for copies of the proposed rules.

The public comment period ended on October 31, 2017.

The Department did not receive any comments or requests for a hearing with regard to the Proposed Rules.