

Hinchey

9/ LSO - 0026

HOUSE BILL 0015

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11

HB0015

AN ACT relating to neonatal abuse; amending definitions to include the effects of substance abuse by a mother; requiring the reporting of neonatal abuse by medical professionals; requiring the department of family services to investigate cases of substance abuse as specified; authorizing the taking of a newborn infant into temporary protective custody as specified; creating a presumption as specified; and providing for an effective date.

Introduced by:

HOUSE ACTION ON HOUSE BILL

- Introduced
Aye ___ No ___ Ex ___ Ab ___
- Read First Time and Ref. to Committee No. _____
- Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Re-referred to Committee No. _____
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- Read Third Time
 Amended
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- Sent to Senate (No Amendments)
- Sent to LSO for Engrossing
 ENGROSSED
 Sent to Senate

SENATE ACTION ON HOUSE BILL

- Received. Read First Time.
Referred to Committee No. _____
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Re-referred to Committee No. _____
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- Read Third Time
 Amended
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- Sent to House
- Sent for Enrolling
HEA No. _____
- Signed by Speaker
- Signed by President
- Approved by Governor
Chapter No. _____

HOUSE BILL NO. HB0015

Neonatal abuse.

Sponsored by: Representative(s) HINCHEY

A BILL

for

1 AN ACT relating to neonatal abuse; amending definitions to
2 include the effects of substance abuse by a mother; requir-
3 ing the reporting of neonatal abuse by medical profession-
4 als; requiring the department of family services to investi-
5 gate cases of substance abuse as specified; authorizing the
6 taking of a newborn infant into temporary protective custody
7 as specified; creating a presumption as specified; and pro-
8 viding for an effective date.

9

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

11

12 **Section 1.** W.S. 14-3-202(a)(ii)(A) and (B) and (iii),
13 14-3-204(a)(ii) and 14-3-208(a) and (b) are amended to read:

14

15 **14-3-202. Definitions.**

16

17 (a) As used in W.S. 14-3-201 through 14-3-215:

1

2 (ii) "Abuse" with respect to a disabled adult
3 means as defined under W.S. 35-20-102(a)(ii). "Abuse" with
4 respect to a child means inflicting or causing physical or
5 mental injury, harm or imminent danger to the physical or
6 mental health or welfare of a child other than by accidental
7 means, including abandonment, excessive or unreasonable
8 corporal punishment, malnutrition or substantial risk
9 thereof by reason of intentional or unintentional neglect,
10 and the commission or allowing the commission of a sexual
11 offense against a child as defined by law:

12

13 (A) "Mental injury" means an injury to the
14 psychological capacity or emotional stability of a child as
15 evidenced by an observable or substantial impairment in his
16 ability to function within a normal range of performance and
17 behavior with due regard to his culture and may include the
18 effects of substance abuse as defined in W.S.
19 35-1-613(a)(viii) by the mother;

20

21 (B) "Physical injury" means death or any
22 harm to a child including but not limited to disfigurement,
23 impairment of any bodily organ, skin bruising, bleeding,
24 burns, fracture of any bone, subdural hematoma, ~~or~~ substan-

1 tial malnutrition or the effects of substance abuse as de-
2 efined in W.S. 35-1-613(a) (viii) by the mother;

3

4 (iii) "Child" means any person under the age of
5 eighteen (18) and may include an unborn child for the pur-
6 poses of investigating the illegal use of any controlled
7 substance listed in W.S. 35-7-1014 or 35-7-1016 by an expec-
8 tant mother;

9

10 **14-3-204. Duties of local child protective agency.**

11

12 (a) The local child protective agency shall:

13

14 (ii) Receive, investigate or arrange for investi-
15 gation and coordinate investigation of all reports of known
16 or suspected child abuse or neglect substance abuse as de-
17 efined in W.S. 35-1-613(a) (viii) by an expectant mother;

18

19 **14-3-208. Temporary protective custody; order; time**
20 **limitation; remedial health care.**

21

22 (a) When a physician treating a child or a medical
23 staff member of a hospital in which a child is being treated
24 has reasonable cause to believe there exists an imminent
25 danger to the child's life or safety unless the child is

1 taken into protective custody and there is not time to apply
2 for a court order, the child may be taken into temporary
3 protective custody without a warrant or court order and
4 without the consent of the parents, guardians or others
5 exercising temporary or permanent control over the child.
6 When a physician treating an expectant mother who gives
7 birth to a newborn child, or a medical staff member of a
8 hospital in which an expectant mother gives birth to a new-
9 born child, has reasonable cause to believe that the mother
10 is or has been engaging in substance abuse as defined in
11 W.S. 35-1-613(a)(viii) and there is not time to apply for a
12 court order, the newborn child may be taken into temporary
13 protective custody without a warrant or court order and
14 without the consent of the parents, guardians or others
15 exercising temporary or permanent control over the newborn
16 child. Any person taking a child into temporary protective
17 custody shall as soon as possible notify the appropriate
18 local child protective agency. Upon notification, the local
19 child protective agency shall initiate an investigation of
20 the notification and make every reasonable effort to inform
21 the parent or other person responsible for the child's wel-
22 fare that the child has been taken into temporary protective
23 custody.

24

1 (b) Any district court judge, district court commis-
2 sioner or justice of the peace may issue a temporary protec-
3 tive custody order upon finding that a child's life or
4 safety is in danger. That order may be requested by the
5 state agency, the local child protective agency, a local law
6 enforcement officer, an administrator of a hospital in which
7 a child reasonably believed to have been abused or neglected
8 is being treated or any physician who reasonably believes a
9 child has been abused or neglected, whether or not addi-
10 tional medical treatment is required, and that the child, by
11 continuing in his place of residence or in the care and
12 custody of the person responsible for his welfare, would be
13 in imminent danger of his life or health. The local child
14 protective agency shall be notified of the order. For pur-
15 poses of this section, there shall exist a rebuttable pre-
16 sumption that prenatal substance abuse by an expectant
17 mother is probative of future child abuse of a newborn
18 child.

19

20 **Section 2.** This act is effective July 1, 1996.

21

22

(END)

FISCAL NOTE

	FY 1997	FY 1998	FY 1999
NON-ADMINISTRATIVE IMPACT			
<u>Anticipated Cost To:</u>			
FEDERAL FUND	92,505	96,982	101,384
GENERAL FUND	77,295	79,219	81,144

Source of expenditure:

Foster Care \$19,800 to be paid by the Department of Family Services with a 15% anticipated federal match. Medical costs \$150,000 will be paid by the Department of Health with a 59.69% anticipated federal match.

Assumptions:

Six children per year born with prenatal drug exposure diagnosis. An average of six months Foster Care/Specialized Foster Care per child. Some of the children will have high associated medical costs with a 5% increase per year in costs. The medical costs are a best estimate, however, the potential exists for some children to have large medical costs which are indeterminable.

Prepared by: Rick Robb

Phone: 777-7150