

CHAPTER 24

JUVENILE TREATMENT PROGRAM-REPEAL

Original Senate File No. 25

AN ACT to amend W.S. 14-6-219, 14-6-229(b)(v)(A) and (B) and by creating a new subparagraph (C), (c)(vi) and (d)(ii) and (iii) and 14-6-231(a); and to repeal W.S. 25-10-401 through 25-10-404 relating to the Juvenile Court Act; eliminating the juvenile treatment program at the Wyoming state hospital; conforming related statutes; providing procedures relating to the mental examination of children pending adjudication; specifying when a child may be committed to the Wyoming state hospital under the act; correcting technical errors; and providing for an effective date.

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

Section 1. W.S. 14-6-219, 14-6-229(b)(v)(A) and (B) and by creating a new subparagraph (C), (c)(vi) and (d)(ii) and (iii) and 14-6-231(a) are amended to read:

14-6-219. Physical and mental examinations; involuntary commitment of incompetents; subsequent proceedings.

(a) Any time after the filing of a petition, on motion of the district attorney or the child's parents, guardian, custodian or attorney or on motion of the court, the court may order the child to be examined by a licensed and qualified physician, surgeon, psychiatrist or psychologist designated by the court to aid in determining the physical and mental condition of the child. The examination shall be conducted on an outpatient basis, but the court may commit the child to a suitable medical facility or institution for examination if deemed necessary. Commitment for examination shall not exceed fifteen (15) days.

(b) If a child has been committed to a medical facility or institution for mental examination prior to adjudication of the petition and if it appears to the court from the mental examination that the child is competent to participate in further proceedings and is not suffering from mental illness or mental retardation to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming state training school, the court shall order the child returned to the court without delay.

(c) If it appears to the court by mental examination conducted before adjudication of the petition that a child alleged to be delinquent or in need of supervision is incompetent to participate in further proceedings by reason of mental illness or mental retardation to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming state training school, the court shall hold further proceedings under this act in abeyance. The district attorney shall then commence proceedings in the district court for commitment of the child to the appropriate institution as provided by law.

(d) The juvenile court shall retain jurisdiction of the child on the petition pending final determination of the commitment proceedings in the district court. If proceedings in the district court commit the child to the Wyoming state hospital, the Wyoming state training school or any other facility or institution for treatment and care of the mentally ill or the mentally retarded, the petition shall be dismissed and further proceedings under this act terminate. If proceedings in the district court determine the child is not mentally ill or mentally retarded to a degree rendering him subject to involuntary commitment, the court shall proceed to a final adjudication of the petition and disposition of the child under the provisions of this act.

14-6-229. Decree where child adjudged neglected, delinquent or in need of supervision; dispositions; terms and conditions; legal custody.

(b) If the child is found to be neglected the court may:

(v) Transfer temporary legal custody to a state or local public agency responsible for the care and placement of neglected children, provided:

(A) The child shall not be committed to the Wyoming boys' school, the Wyoming girls' school or the Wyoming youth treatment center unless also found delinquent;

(B) No child shall be committed to the Wyoming boys' school or the Wyoming girls' school unless the child has attained the age of twelve (12) years;

(C) No child shall be committed to the Wyoming state hospital unless the child has attained the age of twelve (12) years and has been diagnosed as suffering from a serious, chronic or critical mental condition of moderate to severe intensity which impairs normal functioning, and there is no suitable treatment alternative available in the child's community.

(c) If the child is found to be in need of supervision the court may:

(vi) Commit the child for an indefinite term to the Wyoming youth treatment center.

(d) If the child is found to be delinquent the court may:

(ii) Commit the child to the Wyoming boys' school or the Wyoming girls' school for an indefinite term; or

(iii) Commit the child to a certified hospital willing to accept the child for not more than ninety (90) days for treatment for substance abuse or for specialized treatment and rehabilitation programs conducted especially for juveniles.

14-6-231. Release of child from institution; duration of orders of disposition; termination of orders.

(a) A child committed to the Wyoming boys' school, the Wyoming girls' school, the Wyoming youth treatment center or the Wyoming state hospital may be released from that institution by the state board of charities and reform. This release shall not affect any other terms or conditions of

STATE OF WYOMING BUDGET SESSION 1990

the court's order. The board shall notify the court of any planned release and shall recommend further disposition of the child. The court shall discharge the child from further court jurisdiction or shall enter any other order of disposition specified under W.S. 14-6-229 for a child found to be delinquent or in need of supervision.

Section 2. W.S. 25-10-401 through 25-10-404 are repealed.

Section 3. This act is effective July 1, 1990.

Approved March 16, 1990.