

CHAPTER 214

WYOMING CHILDREN'S TRUST FUND

Original House Bill No. 285

AN ACT to create W.S. 14-8-101 through 14-8-108; and to amend W.S. 35-1-428 relating to the Wyoming children's trust fund; establishing the fund as an account within the trust and agency fund; providing for investment of trust fund corpus by the state treasurer; creating the children's trust fund board; specifying powers of the board; providing for disposition of trust fund monies; imposing a surcharge upon copies and searches of vital records; specifying surcharge disposition; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 14-8-101 through 14-8-108 are created to read:

CHAPTER 8

WYOMING CHILDREN'S TRUST FUND

**14-8-101. Short title.** This article shall be known and may be cited as the "Wyoming Children's Trust Fund Act."

**14-8-102. Legislative declaration.**

(a) The legislature hereby finds that child abuse and neglect are a threat to the family unit and impose major expenses on society. The legislature further finds that there is a need to assist private and public agencies in identifying and establishing programs for the prevention of child abuse and neglect.

(b) It is the purpose of this article to promote prevention and education programs that are designed to lessen the occurrence and reoccurrence of child abuse and neglect and to reduce the need for state intervention in child abuse and neglect prevention and education.

**14-8-103. Definitions.**

(a) As used in this article:

(i) "Board" means the Wyoming children's trust fund board created in W.S. 14-8-104;

(ii) "Child abuse" means any act which reasonably may be construed to fall under the definition of "abuse" or "neglect" under W.S. 14-3-202(a)(ii) or (vii);

(iii) "Prevention program" means a program of direct child abuse prevention services to a child, parent or guardian and includes research or education programs related to the prevention of child abuse. The prevention program may be developed by the board.

tion program may be classified as a primary prevention program when it is available to the community on a voluntary basis and as a secondary prevention program when it is directed toward groups of individuals who have been identified as high risk;

(iv) "Recipient" means and is limited to a nonprofit or public organization which receives a grant from the trust fund created in W.S. 14-8-106;

(v) "Trust fund" means the Wyoming children's trust fund created in W.S. 14-8-106.

**14-8-104. Wyoming children's trust fund board; creation; members.**

(a) There is created a Wyoming children's trust fund board. The board shall consist of seven (7) members, as follows:

(i) The executive director of the department of family services or his designee;

(ii) The state superintendent of public instruction or his designee; and

(iii) Five (5) persons appointed by the governor and confirmed by the senate who are knowledgeable in the area of child abuse prevention and are representative of any one (1) or more of the following areas:

(A) Law enforcement;

(B) Medicine;

(C) Law;

(D) Business;

(E) Mental health;

(F) Domestic relations;

(G) Child abuse prevention;

(H) Education;

(J) Social work; and

(K) Parent organizations.

(b) Each appointed member of the board shall serve for a term of three (3) years. A vacancy on the board shall be filled for the balance of the unexpired term.

(c) The board shall meet regularly. Members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties in the manner and amounts provided by law for state employees.

**14-8-105. Powers and duties of the board.**

(a) The board shall:

(i) Provide for the coordination and exchange of information on the establishment and maintenance of prevention programs;

(ii) Develop and publicize criteria regarding grants from the trust fund, including the duration of grants and any requirements for matching funds which are received from the trust fund;

(iii) Review and monitor the expenditure of monies by recipients;

(iv) Prepare an annual report to the legislature on the board's activities which include periodic evaluations of the effectiveness of the prevention programs funded by the trust fund;

(v) Accept grants from the federal government as well as solicit and accept contributions, grants, gifts, bequests and donations from individuals, private organizations and foundations;

(vi) Expend monies of the trust fund for the establishment, promotion and maintenance of prevention programs and for operational expenses of the board;

(vii) Exercise any other powers or perform any other duties which are consistent with the purposes for which the board was created and which are reasonably necessary for the fulfillment of the board's responsibilities;

(viii) Establish a classification system for potential recipients based upon need and shall award grants to those classified most needy.

**14-8-106. Wyoming children's trust fund; creation; source of funds.** There is created within the trust and agency fund an account which shall be referred to as the Wyoming children's trust fund. The fund shall be administered by the board and shall consist of monies appropriated or designated to the account by law and all monies collected by the board from federal grants and other contributions, grants, gifts, bequests and donations. The monies shall be transmitted to the state treasurer for credit to the trust fund and shall be invested by the state treasurer subject to requirements imposed under W.S. 9-4-701 in a manner to obtain the highest return possible consistent with the preservation of the corpus. Any interest earned on the investment or deposit of monies in the fund shall also remain in the fund and shall not be credited to the general fund.

**14-8-107. Disbursement of grants from the trust fund.**

(a) Grants may be awarded to provide monies for the start-up, continuance or expansion of prevention programs, to provide educational and public informational seminar and to study and evaluate prevention programs.

(b) The board shall have discretion in determining the amount of money to be awarded under each grant, except that:

(i) Until the total amount of assets in the trust fund exceeds five million dollars (\$5,000,000.00), not more than one-half (1/2) of the money credited to the trust fund each year plus any interest credited to the trust fund during the previous year shall be available for disbursement or expenditure by the board;

(ii) Upon certification by the state treasurer that the assets in the trust fund exceed five million dollars (\$5,000,000.00), no further monies shall be collected for the trust fund pursuant to W.S. 35-1-428(b). Nothing in this paragraph shall be construed to prohibit the continued collection of monies for the trust fund pursuant to W.S. 14-8-105(a)(v).

(c) Upon certification by the state treasurer that the assets in the trust fund exceed five million dollars (\$5,000,000.00), only the interest credited to the trust fund, together with any monies collected for the fund pursuant to W.S. 14-8-105(a)(v), shall be available for disbursement or expenditure by the board.

**14-8-108. Annual audit.** The department of audit shall audit the trust fund annually. Copies of the audit shall be provided to the legislature by December 1 of each year.

**Section 2.** W.S. 35-1-428 is amended to read:

**35-1-428. Fees for copies and searches; surcharge.**

(a) The department of health shall IN ACCORDANCE WITH GUIDELINES IMPOSED UPON BOARDS AND COMMISSIONS UNDER W.S. 33-1-201, prescribe reasonable fees to be paid for certified copies of certificates or records, or for a search of the files or records when no copy is made. Fees collected shall be deposited into the general fund. ~~according to the procedures established by the state treasurer.~~

(b) IN ADDITION TO FEES IMPOSED BY DEPARTMENT RULE AND REGULATION UNDER SUBSECTION (a) OF THIS SECTION, THE DEPARTMENT SHALL COLLECT A SURCHARGE OF FIVE DOLLARS (\$5.00) FOR EACH COPY OF A CERTIFICATE OR RECORD ISSUED PURSUANT TO THIS ARTICLE AND FIVE DOLLARS (\$5.00) FOR EACH FIVE (5) YEAR PERIOD OR PORTION THEREOF THAT A SEARCH OF FILES OR RECORDS IS UNDERTAKEN PURSUANT TO THIS ARTICLE. REVENUES COLLECTED FROM THE SURCHARGE IMPOSED UNDER THIS SUBSECTION SHALL BE DEPOSITED BY THE STATE TREASURER INTO THE WYOMING CHILDREN'S TRUST FUND ESTABLISHED UNDER W.S. 14-8-101. THE ADDITIONAL FEE AUTHORIZED BY THIS SUBSECTION SHALL NOT BE ASSESSED AFTER THE END OF THE FIRST FISCAL YEAR IN WHICH THE BALANCE IN THE CHILDREN'S TRUST FUND EXCEEDS FIVE MILLION DOLLARS (\$5,000,000.00).

**Section 3.** Fifteen thousand dollars (\$15,000.00) is appropriated from any monies in the Wyoming children's trust fund not otherwise appropriated, to the department of family services for allocation to the Wyoming children's trust fund board created pursuant to W.S. 14-8-104 for the fiscal year beginning July 1, 1993, for the start-up costs of initiating the Wyoming children's trust fund.

**Section 4.** This act is effective July 1, 1993.

Approved March 11, 1993.