

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

INTRODUCED

1987

STATE OF WYOMING

87LSO-0703.01

HOUSE BILL NO. 0357

Child protection - family rights.

Sponsored by: Representative(s) TIBBS, GUICE and HONAKER

A BILL

for

1 AN ACT to create W.S. 14-3-216 relating to child protec-
2 tive services; specifying rights of a person responsible
3 for a child's welfare who is the subject of child abuse
4 investigations; providing certain accusations shall not be
5 deemed sufficient grounds to initiate a child abuse inves-
6 tigation; and providing for an effective date.

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

8 Section 1. W.S. 14-3-216 is created to read:

9 14-3-216. Rights of person responsible for child's
10 welfare accused of child abuse or neglect.

1 (a) Notwithstanding any provision of W.S. 14-3-201
2 through 14-3-215, a person responsible for a child's wel-
3 fare who is contacted by the state agency, a local child
4 protection agency, a law enforcement agency or a district
5 attorney concerning alleged abuse or neglect of a child
6 by him has the right to:

7 (i) Be advised before any questioning that he
8 is the subject of an investigation of alleged child abuse
9 or neglect and of the maximum possible consequences of the
10 investigation;

11 (ii) Be advised before any questioning that he
12 has the right to remain silent, that anything he says may
13 be used against him, that he has the right to be repre-
14 sented by an attorney and have his attorney with him
15 before and during any questioning, and that he may termi-
16 nate any interview at any time;

17 (iii) Be advised before his child is
18 interviewed concerning any act of alleged abuse or neglect
19 and to be represented by counsel at any interview of his
20 child;

21 (iv) Seek a court order restraining the state
22 agency, a local child protective agency, child protection

1 team or a local law enforcement agency from contacting or
2 harrassing him or members of his family upon a showing
3 that there is no credible or substantial evidence of child
4 abuse or neglect;

5 (v) Elect as an alternative to services pro-
6 posed under W.S. 14-3-203(a)(iii), to participate in
7 counseling offered by a recognized church or religious
8 denomination of his choice;

9 (vi) Have all records, reports or investiga-
10 tions immediately expunged and destroyed if an accusation
11 of child abuse or neglect is determined to be unfounded,
12 and to recover his reasonable attorney's fees and expenses
13 from any child protective agency conducting an investiga-
14 tion if he is found, following the initiation of any court
15 proceeding, not to be guilty of child abuse or neglect.

16 (b) No person responsible for a child's welfare
17 shall be suspected or accused of an act of child abuse or
18 neglect and no investigation under W.S. 14-3-201 through
19 14-3-215 shall be initiated by the state agency, any child
20 protective agency or any law enforcement agency solely on
21 the basis of a report alleging that:

22 (i) He is "religious";

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 19</u>	<u>FY 19</u>	<u>FY 19</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____	_____

=====

<u>Anticipated COST to:</u>	<u>FY 19</u>	<u>FY 19</u>	<u>FY 19</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED COST	_____	_____	_____

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No apparent significant fiscal or personnel impact.

HB 367

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

H.B. 0357 H.S. 1/

Cheyenne, February 3, 1987

Mr. Speaker:

Your Committee No. 10 on Labor, Health and Social Services

to whom was referred House Bill No. 0357

respectfully reports same back to the House with the recommendation that it

Do Pass with the following amendment:

Page 3-lines 5 through 8 Delete entirely.

Page 3-line 9 Delete "(vi)" insert "(v)".

AYES

Hines
Miller
Tibbs
Tysdal
Weaver

NOES

Cameron
Maldonado
J. Perkins
Murphy

EXCUSED

0

Nyla A. Murphy

NYLA A. MURPHY,

Chairman

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