

# ABUSE & NEGLECT PROCEEDINGS

Training for HFWA Providers Working in  
Wyoming's Juvenile Courts

Version 1

Module # 2



**CHILDREN'S  
JUSTICE PROJECT**  
A Project of the Wyoming Supreme Court



Wyoming  
Department  
of Health

# Abuse & Neglect Proceedings

## MODULE # 2

### ABUSE & NEGLECT CASES

Title 14 of the Wyoming Statutes covers Children. Chapter 3 is specific to protection and Article 2 covers Child Protective Services (CPS) while Article 4 discusses the Child Protection Act.

### REPORTING SUSPECTED CHILD ABUSE

According to Wyoming law, everyone must report suspected abuse, neglect, or exploitation of children or vulnerable adults if they have reasonable belief abuse, neglect, or exploitation is occurring. The Department of Family Services (DFS) must receive, assess, or investigate all reports within twenty-four (24) hours.

### TEMPORARY PROTECTIVE CUSTODY

DFS may not take a child into temporary protective custody (TPC). Only physicians, physician's assistants, nurse practitioners, and law enforcement may take a child into custody if there are reasonable grounds to believe the action is necessary. Once a child is taken into TPC, DFS is immediately notified and this is the removal date. TPC cannot exceed forty-eight (48) hours. DFS must make reasonable efforts to notify the parents, including the non-custodial parent.

### DFS'S CHILD PROTECTIVE SERVICES (CPS) PROCESS

DFS caseworkers communicate, provide, and coordinate services for families involved in juvenile court. The caseworker will make recommendations to the court regarding services and visitation. DFS probation officers are responsible for supervising youth involved in Child in Need of Supervision (CHINS) cases and delinquent cases. DFS' policies are located at <http://dfsweb.wyo.gov/social-services/policy>. The process consists of CPS Intake and Track Assignment, CPS Assessments, CPS Tracks, Shelter Care/Initial Hearing Report, Predisposition Report, and Family Service Plan.

### CPS Intake and Track Assignment

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Intake is the first stage of the child protection process, which allows DFS to gather sufficient information from a reporter and DFS records to identify and locate the children/youth, parents, or caretakers. The information gathered helps determine if the referral meets the statutory definition of child abuse or neglect and helps assess the seriousness of the situation. During intake a safety assessment shall be initiated and continued throughout the life of the case. Collateral contacts may also be made for the purpose of assessing safety, clarifying, or establishing the credibility of the referral, and to help determine the appropriate track.

The referral shall be rejected or assigned by the DFS Supervisor within 24 hours and documented in the DFS data system as to the reason for the track assignment. Accepted referrals shall be assigned to the Investigation Track or Assessment Track if the referral meets the definition of abuse and/or neglect, or Prevention Track if there are no allegations of abuse or neglect, but risk factors and services to the family could prevent abuse and/or neglect from occurring.

## Shelter Care/Initial Hearing Report

The purpose of the Shelter Care/Initial Hearing Report is to provide necessary information on abuse and or neglect cases, CHINS, and juvenile delinquency cases to the juvenile court. The report shall list the following:

- Identifying information regarding the children/youth, family, household members, and other important people;
- Physical and mailing address of the family;
- Presenting situation;
- If continuation in the home would be contrary to the welfare of the children/youth and if removal from the home is in the best interest of the children/youth;
- Reasonable efforts that have been made to prevent the removal of the children/youth;
- Efforts made to contact the absent parent(s) and/or relatives;
- Indian Child Welfare Act (ICWA);
- Recommendations; and
- Placement.

## Predisposition Report

By order of the court, or within 30 days of a petition being filed, a PDR shall be completed prior to the disposition hearing. The DFS caseworker shall complete the PDR by summarizing the significant findings of the investigation and the report shall include recommendations for a Family Service Plan.

## Family Service Plan

Both the Family Service Plan establish measurable goals and steps that specifically address the needs of the entire family while incorporating the safety, well-being, and permanency of the child(ren)/youth. Both plans are family centered, strengths based, individualized, culturally competent, comprehensive, reflective of community partnership, and outcome based. The difference is a Family Service Plan is required for all open cases.

## COURT PROCESS

Neglect proceedings start with the filing of a verified petition. Based off of the petition, the district or county attorney may choose to file an action and provide the parties with notice.

- Neglect
  - Failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child's well being. Treatment given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination is not child neglect for that reason alone. W.S. § 14-3-202(a)(vii), see also Child and Family Services Rules, Chapter 1, Section 4 (s).
- Abuse
  - Inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment, unless the abandonment is a relinquishment substantially in accordance with W.S. § 14-11-101 through 14-11-109, excessive or unreasonable corporal punishment, malnutrition or substantial risk thereof by reason or intentional or unintentional neglect, and the commission or allowing the commission of a sexual offense against a child as defined by law. W.S. § 14-3-202 (a)(ii), see also DFS, Child and Family Services Rules, Chapter 1, Section 4(b).

### Shelter Care Hearing

The shelter care hearing must be held within forty-eight (48) hours of TPC. Prior to the hearing, the child, parents, guardian, or custodian must receive written notice. At the hearing the court shall determine if full-time shelter care is necessary.

### Initial Appearance

The shelter care hearing and initial appearance may be conducted simultaneously. The purpose of the initial appearance is to advise the respondent of his or her rights, the specific allegations, any possible liability for costs of treatment and services, and give the respondent the opportunity to

admit or deny. If the respondent admits, a dispositional hearing is held; if the respondent denies, an adjudication hearing is held.

### Adjudication

Adjudication is the court's formal ruling on a disputed matter through either a bench or jury trial. Adjudication must be set within 60 days after removal of the child or within 90 days for good cause shown. If the respondent is adjudicated (found guilty), the case proceeds to a dispositional hearing. If the respondent is not adjudicated, the case is dismissed.

### Consent Decree

An alternative to adjudication and disposition hearings is a consent decree whereby all parties sign an agreement to resolve the dispute with an admission of guilt or liability. However, the parties are generally under an obligation to comply with a DFS Family Service Plan and, if the parties fail to comply, the consent decree may be revoked.

### Dispositional Hearing

The dispositional hearing decides question such as the child's current living situation, who has legal custody, and what services the child or family needs. The hearing may be held immediately after adjudication or within 60 days. Before the court orders placement outside the home, the court shall find that returning the child to the home is not in the child's best interest. Disposition orders last indefinitely, but terminate when the child reaches 18 unless the court orders otherwise. For children placed outside the home as a result of the dispositional hearing, the placement must be:

- Adequate, meaning the child's basic needs are met;
- Educationally appropriate;
- Least restrictive;
- Least expensive;
- Allow for appropriate treatment;
- Appropriately medicated; and
- Allow for proper discharge before transition back into the community of placed at a facility.

### Review Hearings

Review hearings are required every 6 months and every 6 months thereafter. The court shall review the case plan and determine the following:

- The health and safety of the child;
- Continuing necessity for placement;

- Appropriateness of placement;
- Recommendations made by DFS;
- Appropriateness of case plan and compliance with case plan;
- Extent of progress towards alleviating or mitigating causes necessitating placement; and
- Date child is expected to be returned to the home or achieve permanency.

## Permanency Hearings

Permanency hearing must take place no later than 12 months from the date of the child's removal and every 12 months thereafter. The purpose is to determine whether DFS made reasonable efforts to reunify the family and whether a different permanency plan is in the best interest of the child. At the hearing, DFS shall present to the court the efforts made to effectuate the permanency plan for the child, address the permanency options, examine the reasons for excluding certain options, and set forth the proposed plan to carry out the placement decision, including the specific timeline. The hierarchy of permanency is reunification, adoption, guardianship, and, finally, another planned permanent living arrangement.

## Appeal

Parties have the right to appeal unfavorable outcomes to the Wyoming Supreme Court within 30 days of the final action, with a few limited exceptions.

## HFWA PROVIDERS

A family care coordinator (FCC) may be appointed to the multidisciplinary team (MDT) by the court. If appointed, the FCC must have a complete understanding of non-negotiable items that may be presented to the wraparound team and the implications of sharing confidential information that must not be shared with the wraparound team.