

WYOMING STATE ADVISORY COUNCIL ON JUVENILE JUSTICE

Meeting Minutes

July 12-13, 2012

Buffalo, Wyoming

Member Education:

Byron Oedekoven, Executive Director, Wyoming Association of Sheriffs and Chiefs of Police (WASCOP)

1.) Juvenile Detention Risk Assessment

- form was developed based on the Missouri model because it had been through a validation study; Missouri's second validation study has not been done as it is not used statewide – once it is expanded, they will do the second validation study.
- implemented and in use for almost two years
Problems arose first year as to how form was being filled out; second year problem was the form was incomplete in some areas because of computer/form formatting
- DFS collects data and compiles report; January 2012 report seemed to be put together well;
- Do not anticipate making any changes to Wyoming form; first year and a half data is interesting; communities with alternatives to detention state it on the forms and alternatives are used.
 - Member Snyder is happy with the forms in Carbon County; seems to be making a difference; see that law enforcement are looking and considering other options for youth that are picked up; should these forms be filled out even when detention is ordered by the Court?
- Oedekoven thinks the policy is that the form is used for the initial arrest/screening
 - Council requests a copy of the 2012 and all subsequent annual reports compiled by DFS
 - Member Waters asks if the forms are useful
- Oedekoven reports that in the communities with options it is not overly useful, as the officers are not doing anything different; for those communities that don't have a lot of alternatives, it is sparking communication to expand their limited options
 - Chair Evans asked if training has helped with accuracy of forms
-Oedekoven reported that training has not been requested

2.) Juvenile Detention Standards –

- Sample notebooks with first draft of Standards were shared with Council
- Process started in May 2010; selected a group out of Utah to help with WY standards; looked at utilizing a proactive monitoring, and felt it should be a legal

based standard; Sheriffs are looking at WY State Statute, which is not lengthy; proactive risk management; have contracted to do updates and verification;

- Implementation of standards set for March 31, 2013; currently Sheriffs with juvenile detention centers are reviewing;
- working on PREA standards; Wyoming may opt out of participating with PREA;
- DFS looking at using these standards and modifying them to certify facilities under their jurisdiction (e.g., group homes, residential treatment centers)

I. Call to Order: Thursday, July 12, 2012, 1:10 p.m.

Welcome to new youth member, Mackenzie Coyne

a) Roll Call

Members Present: Beth Evans, Allison Anderson, Shad Bates, Dawnessa Snyder, Neal Madson, Gary Hartman, Donna Sheen, Kristina Smith, Gary Gilmore, Bruce Waters, Mackenzie Coyne, Lynne Davies, Dorina Kemper, Rene' Kemper

Present via Proxy: Les Pozsgi, Charlene Edwards, Adrienne Freng (attached)

Ex Officio's Present: Jo Ann Numoto

Others Present: Craig Fisgus, VOA; Susan Cahill, Campbell County; Ken DeCock, Rene Young, and Ann Jarvis, Johnson County; Ernie Reinhold, Crook County; Byron Oedekoven, WASCOP; Richard Bohling, Albany County and Prosecuting Attorney

Present via Phone: Rachel Campbell and Nicole Anderson, DFS

b) Declaration of Quorum: 17 members present

c) Reordering of Agenda

II. Approval of Minutes

- **Motion: approve minutes from May 3 and 4, 2012 SACJJ meeting, made by Member Hartman, seconded by Member Anderson**
- Motion carried (17-0)

III. Budget Report

a) Juvenile Accountability Block Grant (JABG)

- Five counties were awarded funding with the FY 2011 JABG, Contracts began July 1, 2012

b) Title V Community Prevention Grant

- Remaining \$50,000 FY 2011 Award will be awarded; FY 2011 is the last Title V award we will receive
- c) Title II State Advisory Group Award
 - FY 2010 has been spent, currently using FY 2011 funding which is \$30,000; FY 2012 SAG award is \$20,000
- d) Enforcing Underage Drinking Laws (EUDL) – DOH
 - Byron Oedekoven reported that the EUDL award has been sub granted from DOH to WASCOP which has sub granted to 17 communities; funding used for party control, community festivals for overtime (above and beyond); funding was reduced and next May EUDL funding will end; Keith Hotle is interim prevention manager for DOH (replacing Marilyn Patton)

IV. Reports of Committees – Strategic Plan Reviews

- a) Executive Committee
 - Implementation of Member Education and Community Participation at all Council meetings; need to include regular tribal reports in meetings
- b) Grants Committee
 - A meeting has been set up for Member Smith to meet with Debra Dugan-Doty, DFS Administrator, to discuss federal and state funding for juvenile justice and how the Council can be involved in those funding streams to communities; Committee has been working on simplifying and possibly merging the grant applications for Title II, Title V and JABG
- c) Vision/Planning and Policy Committee
 - Update in conjunction with Legislative Committee report
- d) JJDP Compliance Monitoring
 - Training with DFS will be put on hold because of the merge of the Divisions; would like to see a data piece in the training
- e) DMC Committee
 - Focus is to work with communities to increase tribal relations; work with data committee to complete the federal report; Chuck Kratz and Member Frenge have met with groups to collect data that each county is collecting; Frenge is interviewing stakeholders in each community
- f) Outreach Committee
 - Went through strategic plan and public awareness is a long term goal for committee; help agencies to get information out; would like to see what Governor's plan is for the Council; regarding the Communications Plan, VOA continues to work with Flitner & Associates to collect information from stakeholders, community members; goal to identify meetings and conferences that members do attend and/or could attend for council representation, and then report back to the council on the material presented; working with by-laws committee to insert language for annual recognition/awards; recruitment for youth members has

been a goal for the committee, and discussion was held around the term limits for youth members; plan to create a list of contacts for youth recruiting each year

g) Data Committee

- Main goal is for Wyoming to have an overall unified state data system; committee will continue to promote the creation of a system; data collection is taking place, but how to utilize the different data that is being collected from individual communities has been difficult

h) Legislative Committee

- Reviewed their statutory responsibilities and their responsibilities in strategic plan; seem to be meeting requirements; may look at different ways to communicate with the legislature and Governor's office, other than the annual report, in an effort to keep them informed and remind them of our efforts; talked about the two letters from prosecutors received by the Joint Judiciary Interim Committee; would like to see more of a collaborative effort with prosecutors and other associations

i) By-Laws Committee

- Have put on hold the language for ex-officio in the by-laws, as it may only complicate issue; looking at proposal to amend by-laws to insert language for annual recognition/awards to communities

j) Youth Member Committee

- Hoping to have an active committee with the recommended appointment of new youth members; suggested using Facebook and other social media for access to youth members; suggestion made that youth members have connections in own community

k) Interstate Compact for Juveniles (ICJ)

- Every state, excluding Georgia, is a member of the compact; JIDS (Juvenile Interstate Data System) goes live this fall; largest difficulty is defining the rules of the transfer of sex offenders; MIC-3 is a compact for military families in hopes to have school districts in previous and current states collaborate as military youth dependents move around the country.

V. On-Going Business – Updates from:

a) Governor's Office – Tony Young, Deputy Chief of Staff

- No report

d) Community Juvenile Service Boards (CJSB)

- Handout presented to June Joint Judiciary Interim Committee meeting provided to Council members

e) Juvenile Detention Alternatives Initiative (JDAI)

- No report

d) Coalition of Juvenile Justice (CJJ) - CJJ Annual Conference Report from Chair Evans

- outstanding conference; very helpful and informative;

- CJJ website (www.juvjustice.org) has a lot of valuable information and resources (e.g., “Positive Power: Exercising Judicial Leadership to Prevent Court Involvement and Incarceration on Non-Delinquent Youth”)
 - Committee members do not have to be only Council members; and can be used as a recruitment tool for council members;
 - Most SAGs membership range between 25-28;
 - CJJ youth committee has been very active, and not all are SAG members; some youth committees have a budget out of the SAG budget to conduct evening and weekend meetings; also utilizing Skype and Facebook to conduct meetings; CJJ has developed a one day youth training program; some youth members were siblings and/or friends of youth that were involved in the system; beneficial for youth to have a defined role for council;
 - One of the keynote addresses was from three people representing families, and the need for recognition for families with youth that were involved in the system; families are not informed, supported and are patronized; suggested having family members involved in SAG;
 - Attended Council of SAGs meeting, which was first time Wyoming has been represented; thinks this membership will be valuable for the Council and State
 - Recommendation from Member Sheen for by-laws to incorporate language that committees can have members that are not Council members
- f) Non-Participating State Grant (VOA)
- Handout provided for 2011 detention violations; 21 out of 23 counties submit their collected jail roster data;
 - Tribes are considering building a detention center with a detox unit;
 - Assessments.com that houses Jail Roster is having difficulties and VOA has a large amount invested in this system; VOA is exploring other options to house the database in the event this system is shut down;
 - will have state report completed in August, will present to Council in September
- g) Ex-Officio Members
- No report

VI. New Business

a) 2012 Member Appointments

- thanks to those that helped recruit new applicants; Members Thomas and Anderson helped recruit youth members; also had applications from jurisdictions with low representation;
- 14 recommendations were submitted to Governor’s office this week;
- have heard that the Governor’s office is behind on appointments, and may not be done by August 31;

- hesitated on filling Council to its maximum, but given the needed representation from different jurisdictions, prosecutors, youth members, judges, etc, it was decided to recommend a full membership
- b) Joint Judiciary Interim Committee Meeting – June 18, 2012
- Chair Evans reported that Tony Young talked about the Juvenile Justice Task Force, the division and frustration with the task force; Young has been assigned by the Governor to represent juvenile justice for the state; Tony Young was invited to attend Council meetings and present reports from the Governor’s Office; several members have visited with him on juvenile justice issues; reportedly, Young is to provide a plan to the Governor on his proposed work with juvenile justice; Hartman was asked to step down from the task force, and will not have much further to do with juvenile justice issues
 - Chief Justice Kite addressed task force;
 - Joe Baron presented letter from Prosecutors Association (letter attached to minutes); Baron also introduced letter for suggestions of changes to Statutes;
- c) DFS Customer Service
- took close to two months to get reimbursements for May meeting; problems Chair Evans and Member Smith had getting approval for the CJJ conference and arrangements through DFS was a terrible hassle; Chair Evans wrote a letter to Director Corsi and read response received; Executive Committee does not feel there is currently a positive working relationship between DFS and SACJJ, particularly in the handling of the Council’s federal funds.

VII. Community Participation

- a) Roundtable Discussion of CJSB and Youth Services in Northeast Wyoming
- Campbell County – Susan Cahill, Director, Campbell County Juvenile Probation; was easy to get started because of the work already being done in the county on juvenile justice; funding is currently supporting five programs; have had difficulty getting public defender representation; JDAI supports the 48 hour hold program at the YES House; Project Choice is crisis intervention that falls under CJSB and JDAI through the YES House; 86 youth have accessed these services; GPS monitoring is also used with the funding, have been using it for 6 months and is a great option for monitoring; Weekend Program funded by JDAI is driven by the detention center and is held at the YES House, Center of Hope; Juvenile and Family Drug Court receives some funding; feels that the services have reduced out of home placements
 - Member Gilmore reports that placements at the Wyoming Boys School from Campbell County in the last few years have been reduced by 60-65%
 - Crook County – Ernie Reinhold, Administrator, Crook County Community Juvenile Services; have been in operation for 2.5 years; have served 48 youth; part of the single-point of entry team; doing mainly diversion with referrals from team

and County Attorney, Joe Baron; conduct drug testing, Corrective Thinking groups, electronic monitoring, enforce curfew, monitor school grades and attendance; positive of funding is that every kid is being supervised; feel DFS could do what CJSB is doing but don't have the manpower and staff, and laws don't support supervision of municipal and circuit court kids; would like to start mentoring program but have problems finding mentors; Crook County is a long way from the community taking responsibility for their kids; doesn't get funding support from county or city

- Johnson County – Ken DeCock, Johnson County and Prosecuting Attorney; began CJSB last year; already had an intake team that met each week; had a diversion program in place, along with the probation program; program was seeing kids actually relish and desired to be on probation; lots of community support and volunteers; most members of intake team are part of this board; only in early stages, but are providing probation and hopefully mentoring
 - Rene Young, working on recruiting mentors; working on policy and procedures and back ground checks; using budget for supplies (bikes, snowshoes, fishing); excited about program and hoping to expand; County Commissioner as member of board is a bonus; duplicating YES House mentoring procedures for their program
 - Cindy Rowe, Crook County Mental Health, Vice Chair on Board; will need to look at other sources for funding as program expands; great need for mentoring program; great community support
 - Ann Jarvis, Public Health Nurse, sits as treasurer on board; has appreciated Nicole at DFS for help on financial reports for upcoming audit
- Sheridan County – Neal Madson, Director, Sheridan County Juvenile Justice Office; first Joint Powers Board formed in 1995; used OJJDP guidelines as a guide; diversion program began in 2002; 2009, started the TruThought program; current program consists of juvenile probation, diversion; drug court officer; single point of entry team meet once per week and make diversion referrals; the screening team really works well and pulls things together for youth in community; concerns over the decrease in funding; huge decrease in funding from city; have received some federal funding; drug court is funded mainly through state funding; always looking for resources
- How can the SACJJ support CJSBs?
 - stable funding stream;
 - financial incentive for handling funding well, submitting reports, doing the programming required;
 - unified statewide data system to compare data with other counties and know outcomes of each program

b.) Richard Bohling, Albany County and Prosecuting Attorney – Juvenile Procedures and Programs in Albany County

- Before: Diversion program began with programming for high risk youth offenders; juveniles on this list were potential targets; the youth coordinators for the program screened and compiled all citations and reports; the County Attorney's Office had no representation at MDT's for the juveniles.
- Current: Diversion program established in January 2006 is for first time juvenile offenders; fully funded by county funds; all reports and citations go through Albany County Attorney's Office; single point of entry was established; time frame for program is about six months; facilitated by Big Brothers Big Sisters (BBBS); tailored to fit each family; once program is completed, the charges are dismissed and juvenile has no criminal record; program provides support and supervision; costly court fees and lengthy court process is avoided
- Program has had approximately 206 participants, 158 successfully completed; recidivism rate tracked for 1 year is 7.6%; 92.4% of participants have not reoffended after completion of program
- Additional discussion with Bohling focused on how to get prosecutors involved with SACJJ (e.g., Ex-Officio spot) and concern about E-citations and their effect on the Single Point of Entry program.

VIII. Announcements

- Joint Judiciary meets July 30 and 31, 2012 in Cheyenne to discuss agency budget reductions; September 24 and 25, 2012 in Evanston
- Next SACJJ September 24 and 25, 2012 on Wind River Reservation; new member training tentatively scheduled for September 26 and 27, 2012

IX. Meeting Adjourned: Friday, July 13, 2012 at 11:30 a.m.

- **Motion: made by Member Sheen, seconded by Member Hartman**
- Motion carried (17-0)

Minutes Approved: September 27, 2012

Minutes Submitted by Lauri Lamm, SACJJ Coordinator

Handout 71

Accused status offenders held over 24 hours in a JDC/JTS	65	40	31
Adjudicated status offenders held without benefit of the Valid Court Order ¹	105	16	15

¹Wyoming's VCO is effective 7/1/08 for use by District Juvenile Court Judges.

SEPARATION TOTAL	236.57	176.33	122.67
Juveniles not sight and sound separated from adults in jails and lockups	236.57	176.33	122.67
Juveniles not sight and sound separated in JDC/JTS	0	0	0

JAIL REMOVAL TOTAL	163.89	120.18	89.21
Status offenders or non-offenders held in jails and lockups (accused and adjudicated)	28.08	6.28	7.55
Accused delinquents held over 6 hours or for a reason not associated with processing	146.76	134.71	94.80
Adjudicated delinquents held over 6 hours before or after court, or for a reason not associated with a court appearance (sentenced to the facility would be the primary reason)	21.90	1.10	4.38

RATES OF COMPLIANCE	2009	2010	2011
D.S.O. (May have a rate of up to 29.4/100,000, or 39.81 violations for Wyoming in 2011)	Rate of 156.54	Rate of 45.99	Rate of 39.55
Separation (All states may have 0 violations)	236.57	176.33	122.67
Jail Removal (May have a rate of up to 9/100,000, or 12.19 violations for Wyoming in 2011)	Rate of 127.58	Rate of 88.76	Rate of 65.89

2010 Juvenile Population = 135,402; 2010 Juvenile Population Rate = 1.35402;

of violations ÷ 1.35402 = Violation Rate

July 2012 SAG

Community Juvenile Services Boards Update
Joint Judiciary, June 28, 2012
Report by: Nicole Anderson, Department of Family Services

In 2008, the Wyoming Legislature passed Senate File 66, Community Juvenile Services Act, allowing for counties to form juvenile service community boards and receive funding, by the Department of Family Services, from a \$2 million block grant fund. To be eligible for funding, the community boards must: 1) develop a system for central intake and assessment of juveniles with an initial point of contact established within the community, 2) develop or adopt criteria for juvenile diversion, detention, standards for detention assessments, 24-hour intakes, pre-dispositional detentions and shelter care standards, 3) develop a continuum of non-secure services including early intervention and diversion, and 4) identify other sources of funding for local juvenile services. County applications for Community Juvenile Services Boards (CJSB) funding are reviewed and approved by the Departments of Family Services, Health and Education per Secretary of State Rules and State Statute.

Through the fall of 2008, an interagency group promulgated rules regarding CJSB. Four public hearings were held in December 2008 and CJSB rules were enacted in May 2009. To assist counties in the application process, a resource was created through the Wyoming Citizen Review Panel, as part of their existing contract to provide counties with technical assistance. In addition, the Department contracted with Justice Solutions Group (JSG) to create a community assessment template in order to assist with the strategic plans.

Each year, since the passing of Senate File 66, more counties have chosen to participate in a CJSB. As of June 2012, there are 13 counties receiving grant funding for their work with the CJSB, 4 counties are in the process of pursuing applications and 6 counties have not yet chosen to participate. Regular contact by the Department does occur to assess those counties interest and to offer any technical assistance.

Through the assessment and strategic planning process, counties were able to identify gaps in services to youth and families and establish community goals such as reducing the number of kids in placement, keeping youth in their communities, increased prevention and early intervention services, and alternatives to detention for youth, especially at the time of intake. Based upon this information, many new initiatives and projects have begun or are well underway. For instance, three counties have begun new diversion programs, two counties increased their data collection to address county specific issues, one county created a brand new Juvenile Service Center and one is in the development phases of a new Juvenile Service Crisis Center. Many counties developed programs and services as alternatives to detention such as electronic monitor programs, expanding a staff secure facility, a juvenile weekend program and 24 to 48 hour one-on-one supervision programs or hold programs. One county created policy specifically to implement limited use of juvenile detention. Additionally, counties began services and programs to provide early intervention services such as, increased intensive supervision services and a mentor program. Other counties either fully implemented or enhanced their central point of intake process.

Data supports the success of the above projects, initiatives and services. All counties submitted community-wide data and specific data showed gains such as decreased out-of-home placements, a decrease in the number of delinquents and child in need of supervision (CHINS) filed in 2011 from previous years and a general decrease in detained youth. Counties also showed increased school attendance, decreased out-of-home placements and increased graduation rates. Although counties provided different numbers of youth served through CJSB initiatives and projects (based upon timeframe for CJSB initiation and number of years of data provided), over 3300 youth have been noted as receiving CJSB services.

The CJSBs have also increased community involvement and collaboration. Communities have stated:

- “We successfully brought together the key juvenile stakeholders in the County to regularly and effectively collaborate on juvenile justice issues.” (Nicole Krieger, Deputy County Attorney, Teton County, 2012).
- “[The CJSB] is the most complete and consistent community-based group in Sweetwater County representing all stakeholders associated with our juvenile justice system.” (Krisena Marchal, County Grants Manager, Sweetwater County, 2012).
- “The community has come together very nicely.” (Ernest Reinhold, CJSB Program Manager Crook County, 2012).
- “CJSB has institutionalized the single point of entry process and formalized the collaboration necessary for Fremont County...” (Charles Kratz, Youth Services of Fremont County, 2012).
- “[We have received] a tremendous amount of public support.” (Kenneth DeCock, Johnson County Attorney’s Office, 2012).
- “The ability of the board to make funding decisions at the local level provided leverage to its efforts to promote a continuum of interconnected services in our community.” (Tim Thorson, Administrator Laramie County Community Services Joint Powers Board, 2012).

Many counties note financial assistance from city and county contributions as well as federal funding. In addition, all counties note continued efforts to secure grant funding.

July 2012 SAC

Wyoming Community Juvenile Services Boards CSB Allocation

Department of Family Services, UPDATED 05/05/12 by: Nicole Anderson

County	Youth Population	% of Youth Population	FY 2011-2012 Budget	FY2011-2012 Amount Contracted	Supplemental Award 7/1/2011-6/30/2012	Youth Population	% of Youth Population	FY2013 & 2014 Budget	FY 2013 & 2014 Amount Contracted	Contracted JDAI Funds
Albany County	5,870	4.68%	\$75,981	\$0	\$0	6,037	4.82%	\$63,008	\$0	
Big Horn County	2,837	2.26%	\$50,000	\$0	\$0	3,013	2.40%	\$50,000	\$0	
Campbell County	11,002	8.78%	\$142,410	\$142,410	\$18,100	12,982	10.36%	\$135,493	\$135,493	\$30,000
Carbon County	3,449	2.75%	\$50,000	\$43,750	\$7,500	3,751	2.99%	\$50,000	\$50,000	
Converse County	3,051	2.43%	\$50,000	\$0	\$0	3,512	2.80%	\$50,000	\$0	
Crook County	1,368	1.09%	\$50,000	\$50,000	\$7,500	1,689	1.35%	\$50,000	\$50,000	
Fremont County	9,324	7.44%	\$120,690	\$120,690	\$0	10,212	8.15%	\$106,583	\$106,583	\$50,000
Goshen County	2,643	2.11%	\$50,000	\$0	\$0	2,701	2.15%	\$50,000	\$0	
Hot Springs County	808	0.64%	\$50,000	\$0	\$0	964	0.77%	\$50,000	\$0	
Johnson County	1,721	1.37%	\$50,000	\$28,333	\$0	1,896	1.51%	\$50,000	\$50,000	
Laramie County	22,112	17.64%	\$286,218	\$274,292	\$31,135	22,401	17.87%	\$233,799	\$233,799	\$30,000
Lincoln County	4,321	3.45%	\$50,000	\$36,667	\$0	5,104	4.07%	\$53,270	\$53,270	
Natrona County	17,633	14.07%	\$228,242	\$228,242	\$0	18,020	14.37%	\$188,075	\$188,075	\$50,000
Niobrara County	425	0.34%	\$50,000	\$35,417	\$7,500	470	0.37%	\$50,000	\$50,000 TBD	
Park County	5,663	4.52%	\$73,302	\$0	\$0	5,911	4.72%	\$61,693	\$0	
Platte County	1,753	1.40%	\$50,000	\$0	\$0	1,765	1.41%	\$50,000	\$0	
Sheridan County	6,170	4.92%	\$79,865	\$79,865	\$9,419	6,485	5.17%	\$67,684	\$67,684	
Sublette County	1,855	1.48%	\$50,000	\$0	\$0	2,428	1.94%	\$50,000	\$0	
Sweetwater County	10,389	8.29%	\$134,475	\$112,063	\$17,604	11,869	9.47%	\$123,877	\$123,877	\$30,000
Teton County	3,952	3.15%	\$50,000	\$50,000	\$7,500	4,076	3.25%	\$50,000	\$50,000	
Uinta County	5,780	4.61%	\$74,816	\$0	\$0	6,371	5.08%	\$66,494	\$0	
Washakie County	1,900	1.52%	\$50,000	\$50,000	\$7,500	2,172	1.73%	\$50,000	\$50,000	
Weston County	1,339	1.07%	\$50,000	\$0	\$0	1,573	1.25%	\$50,000	\$0	
Technical Assistance / CSB Travel			\$28,600/\$5,400	\$28,600/\$5,400				\$25,000		
JDAI				\$218,264				\$225,000		\$190,000.00
Wind River			\$50,000	\$50,000						
Total	125,365	100.00%	\$1,999,999	\$1,553,993	\$113,758	135,402	100.00%	\$1,999,976	\$1,208,781	\$190,000

CSB planning in progress or completed - 17 Counties 13 current CSBs 6 counties not submitted applications 4 in process

CSBs Funded through CSB Allocation
 Counties Pending Original Application
 Counties Chosen not to Participate

Wyoming Community Juvenile Services Boards

CJSB Progress and Summary

Department of Family Services June 2012

County	Contract Amount	Summarized Plan	Services	Steps for Goal	Status
Albany			Not applicable		
		Under the original proposal, CJSB funds would focus on staffing additional time towards county level probation to include screening and assessment. The original plan was submitted under the previous county attorney.	Big Horn County's CJSB would implement newly formed services under continuum to fund two part time diversion specialists. The county would also create a "hub" where he PACT assessment would be administered. Funds would go towards hiring staff to administer assessments. Lastly, funds would be used under detention to implement alternatives to detention programs.	The District Manager will continue to discuss the CJSB with the lead contact and county attorney. It is uncertain if the project will be implemented this biennium, though conversations will continue for for either this blennium or the next.	Information regarding the remaining funds available has been sought and the county will meet in the near future to discuss whether to create a CJSB during the current blennium.
		The local Group Home will be further utilized to reduce the amount of youth in secure detention and to aid in immediate custody and intervention situations.	Campbell County is using CJSB funds to fund existing services through YES House for "preventative approach to incarceration" by funding a 48 hour hold for status offenders and family advocate program (YES House had an occupancy rate of approximately 85% for FY2009 Crisis beds) Additionally funds would be spent on implementing a GPS monitoring program. Lastly, nearly 1/3 of funds would be used to support existing services of the juvenile and family drug court for graduated sanctions.	The Department will continue to work with the county towards reducing the out of home placement population through strengthening the community level resources. Technical assistance for the county is being utilized through the Juvenile Detention Alternatives Initiative.	The CJSB continues to utilize the available community resources and services. In addition, the county has implemented JDAI as a tool to reduce the use of juvenile detention and further build community alternatives. Contract for 2012-2014 complete.
Campbell	FY 11-12 \$160,510.00 FY 12-14 \$135,493				
		The county plans on utilizing funding to help furnish a Crisis Shelter. Funding approved for building. Diversion program implementation.	The Carbon County CJSB budget is devoted towards funding new programs, including a Crisis Shelter. Diversion program now in 2nd year. Services include urinalysis testing, education assistance, incentives.	The county has worked with local stakeholders and agencies in developing an action plan for the creation and operation of the Crisis Shelter. Funding for building approved. Working on building layout and development.	The CJSB continues to utilize the available community resources and services, and is working towards creating services that will fill in what they believe to be current service gaps. Diversion program fully implemented; continued crisis center development
Carbon	FY 11-12 \$51,250 FY 12-14 \$50,000				
Converse			Not applicable		

Crook	FY 11-12 FY 12-14	\$57,500.00 \$50,000.00	The county developed a diversion program out of the CJSB and directly employs two personnel. Increased use of community services by public and provide access of services to more minors through single point of entry process.	Crook County's CJSB funds are used to directly support and run the county-wide diversion program. Services include Corrective Thinking, TruThought, community service, drug tests, restitution, sanctions, etc.	DFS has assisted with training and program development/implementation.	The county is supervising most non-placement cases through the diversion/probation program. The DFS caseload for the county decreased 50% between the CJSB inception and November, 2011. Contract for 2012-2014 complete.
Fremont	FY 11-12 FY 12-14	\$120,690.00 \$106,583.00	The county will support another county attorney to support single point of entry and strengthen services through the Fremont County Youth Services including screenings at intake.	Under the proposal, the majority of Fremont County CJSB funds would go towards funding existing staff under the central point of intake. Staff would administer the PACT assessments on all juveniles whom receive law enforcement referrals. An additional \$20,000 would be used towards funding a dedicated additional attorney with the prosecutor's office for juvenile cases.	The County will participate in the Juvenile Detention Alternatives Initiative and utilize technical assistance towards the reduction of secure detention and commitment population.	All components of the CJSB have been implemented and the county recently began invoicing for county attorney services. The county is now looking at JDAI to help combat the high detention population. 2012-2014 Contract complete.
Goshen			Goshen County applied for the CJSB, though their application was not complete.	The Department will continue to work with the county towards CJSB goals. Incentives and an action plan need to be developed by the Department in order to assist the county in development of CJSB goals in order to produce an effect on the commitment population.	Efforts have stalled with the county as the joint Powers Agreement has not been completed and county plan has not been established.	
Hot Spring			Not applicable			
Johnson	FY 11-12 FY 12-14	\$28,333.00 \$50,000.00	The county will utilize their appropriation to hire a part time, 20-30 hours/week, Juvenile Services Coordinator housed under the county attorney's office to work with prevention programs and assist in the single point of entry. This person will provide services to all youth, regardless of court jurisdiction.	The county will focus CJSB efforts towards prevention. The person hired under the plan will have three primary duties: establishing a mentoring program through CASA where mentors will be teamed with youth from any court within the county, secondly, the person will be responsible for a community service program available to all youth regardless of court, lastly, the person will work towards development of a "progressive youth" type program.	The contract will be written to the county. Once funding is secured, the county will move forward with the plan setting up the mentoring program. Additionally, the county is working with the drug court to solidify services and the process with the Single Point of Entry.	The application was recently approved and the contract completed December 2011. Johnson County submitted a renewal application and the contract for the 2012-2014 biennium is complete.

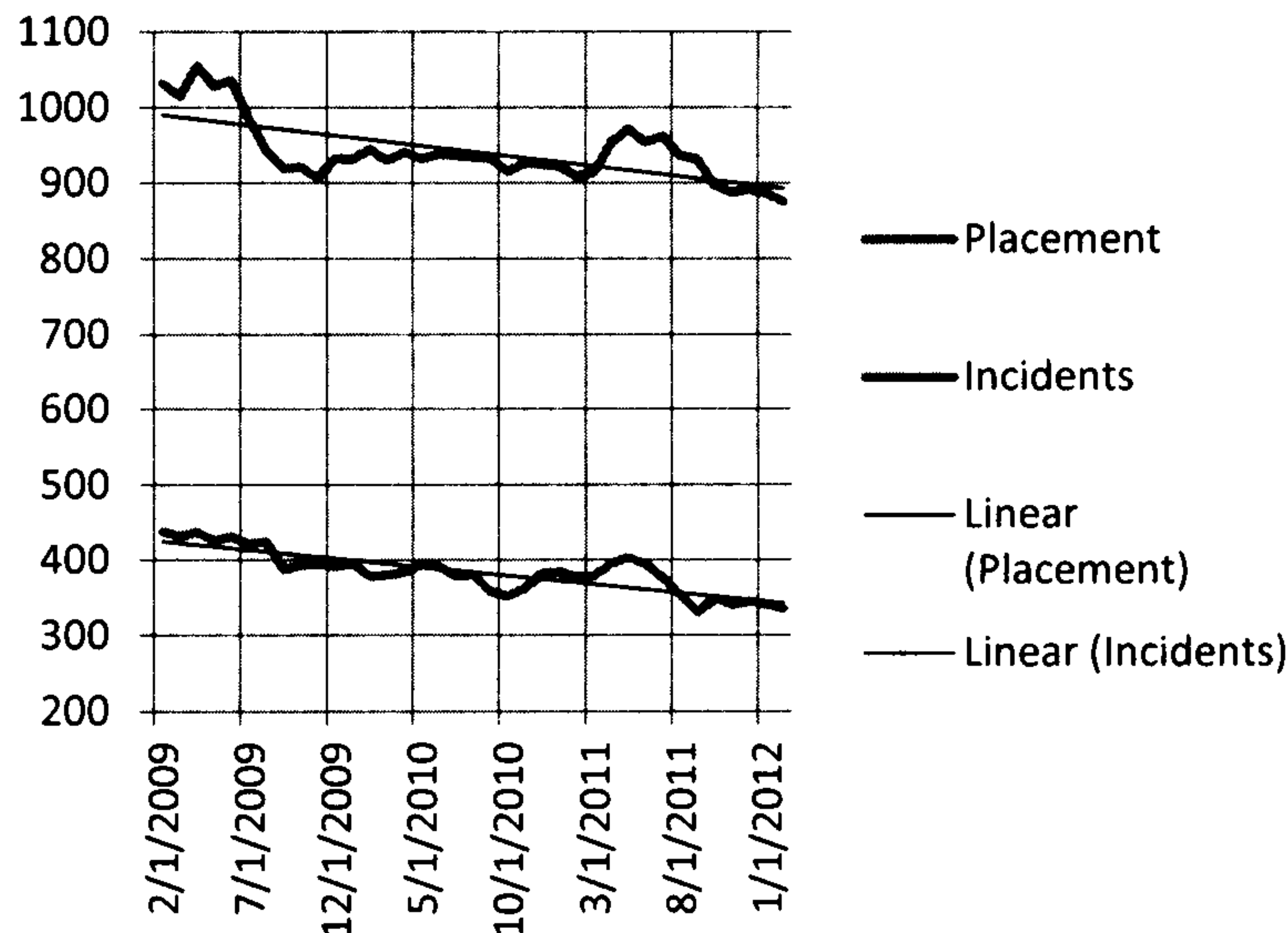
Laramie	FY 11-12 FY 12-14	\$305,427.00 \$233,799.00	The CJSB will focus on early intervention and aftercare. Laramie County Sheriff's Department will conduct screening of juveniles upon completion of the new detention facility in 2012.	The majority of CJSB funds would go towards screening and assessment in the Juvenile Detention Center, and funding gaps for family and crisis intervention and aftercare services under the continuum of care.	The County has begun developing programs as described in the contract. The county will also utilize technical assistance through the Juvenile Detention Alternatives Initiative. Finalization of the Laramie County Juvenile Services Center.	The county recently awarded contracts for services selected through a RFP to focus on continuum of care. The county is also participating in JDAI. The 2012-2014 Contract is complete.
Lincoln	FY 11-12 FY 12-14	\$36,667.00 \$53,270.00	The county is reinstating the diversion program. Funds will help support the program ran through the Sheriff's office. Hire new diversion coordination to increase services in the southern county.	All awarded funds will support the county's diversion program and services associated with the program.	The CJSB has been active in re-developing the diversion program including determining criteria and identifying services to be provided	The Diversion coordinator is in place and beginning the program in the southern part of the county. 2012-2014 Contract complete.
Natrona	FY 11-12 FY 12-14	\$228,242.00 \$188,075.00	The majority of CJSB funds are focused on providing support to the Natrona County probation and Juvenile Drug Court. Additional funds for prevention services through Weed and Seed and Mercer House have been designated through the CJSB. The major goal of the board is to provide a full continuum of services.	The majority of proposed funds under the Natrona CJSB plan would go towards supporting existing programs. Funds would be expended on expansion of services with RJDC to administer a JDRA & PACT, and provide exercise equipment for juveniles. YCC would receive funds to provide monitoring cameras. Funds would be used to supplement the weed & seed program for education, community service, and after school programs. County probation would receive "probation monitoring equipment" such as breathalyzers. The county would fund a service mapping to identify gaps. Lastly, Mercer house would receive funds for supporting existing programs.	The Department has begun staffing a probation officer through the District Attorney's office resulting in lower overall incidents and placements. The county is in the initial discussions regarding the Juvenile Detention Alternatives Initiative and if the initiative is implemented within the county, they would receive technical assistance through Annie E. Casey Foundation to focus on the secure detention population.	All components finalized and the county has begun to provide & invoice for services provided through the CJSB. 2012-2014 contract is complete.
Niobrara	FY 11-12 FY 12-14	\$42,917.00 \$50,000.00 TBD	The county plan specifies hiring a 1/4 time person to administer a diversion program for youth out of the circuit court. Funds are being utilized to support the program and personnel.	The county is utilizing funds to supervise youth through a diversion program out of the circuit court. Staff oversee diversion compliance, supervise community service, and make referrals to counseling. The county will implement the PACT assessment to aid in diversion acceptance criteria. Detention and SPE decisions remain with the county attorney.	All components have been finalized and the county is working towards program implementation and identifying board structure.	All compents have been finalized and the diversion worker has been trained in the Department's PACT assessment. Supervision has been implemented through the county is undergoing discussion regarding their overall board structure.
Park					Not applicable	

Platte		Not applicable				
Sheridan	FY 11-12 FY 12-14	\$89,284.00 \$67,684.00	The county is utilizing CJSB funds to strengthen services provided by the Drug Court, the Sheridan County Continuum, and services provided on the county level through the Sheridan County Justice Office.	Sheridan County's proposal includes nearly half of funds being expended on IOP Substance Abuse Assessments through Big Horn Mtn for youth in the drug court program. VOA would receive the other half of the funds for 48 hour hold services and "non-secure youth home services." The request comes from a reduction in drug court funding and proposes using CJSB funds to maintain the existing level of services.	The county has had a board in place since the late 1990's and has extensive support from the city and county. The county program has multiple programs in place to address diversion, truancy, substance abuse and probation.	All components finalized and the county is invoicing for services. 2012-2014 Contract complete.
Not applicable						
Sublette			The county will begin to offer pre-court diversion and electronic monitoring through the District Court level through staffing a probation officer in the county attorney's office.	Sweetwater County proposes using the majority of CJSB funds to expand the service array including a program with Family Dynamics to focus on family centered practice. The proposed expansion would serve additional families. Funds would also go to Youth Homes Alternative initiate a re-entry and aftercare program for transition back into the community.	The county underwent a needs assessment conducted by Mark Martin, which the county is utilizing as a blueprint for the CJSB. The county will also participate in the juvenile Detention Alternatives Initiative and will receive technical assistance associated with the initiative.	The county is in the process of implementing JDAI and technical assistance is being utilized through the State and Annie E. Casey. The 2012-2014 Contract is complete.
Sweetwater	FY 11-12 FY 12-14	\$129,667.00 \$123,877.00	Funds for the CJSB will be used to strengthen services and mental health. The county will also begin a Parenting with Love and Limits class through Mental Health.	The respective plan increased hours of existing staff to conduct supervision and transitional services on the county level including increased drug testing. The central point of intake was funded to provide for on call staff to conduct assessments. Lastly, funds are being used to pay for staff secure detention.	The county was among the first to have all CJSB components finalized. The county has a strong probation program as the majority of juvenile justice cases in the county are handled by the county diversion/probation program. Probation incidents decreased by nearly 42% since FY08 and 22% since FY09.	All components finalized and the county has begun to provide & invoice for services provided through the CJSB. 2012-2014 contract is complete.
Teton	FY 11-12 FY 12-14	\$57,500.00 \$50,000.00	The CJSB plan allocated funds to provide additional hours for the county level probation to include more intensive monitoring. An on call person was also allocated to provide 24 hour intake services. The county also utilized ARRA funding to provide staff secure detention.	Uinta County proposes utilizing CJSB funds to add additional compliance personnel and increase services. They would hire a Community Services Supervisor part-time who would work directly work with youth.	The Department will continue to discuss viability options with the county. The Department will also offer support and assistance in the completion of the CJSB related tasks including the completion of the Joint Powers Agreement.	It is the understanding that the Joint Powers Agreement has been the set back in development of the CJSB.
Uinta			The proposal under the CJSB would add additional probation compliance personnel under the county and provide monitoring equipment.			

Washakie	FY 11-12 \$57,500.00 FY 12-14 \$50,000.00	The CJSB plan allocated funds to provide for additional hours for the youth alternatives worker. Funds were also allocated for monitoring equipment and educational programs (National Center for Youth Issues Curriculum) through Youth Alternatives.	Washakie County is using CJSB funds to conduct assessments as a part of their 24 hour intake. Additionally, the plan provides funds to school related programs through the continuum of care. Youth Alternatives provides diversion, 48-hour non-secure hold, probation, community service, electronic monitoring.	The county's diversion program has been implemented. Additionally, the diversion coordinator has participated in the Department's PACT assessment. Continue to provide early interventions for youth and education in avoiding high-risk behavior. Case management occurs per individual need.	All components finalized and the county has begun to provide & Invoice for services provided through the CJSB. Contract fully completed for next biennium.
Weston	Chart Key:	Completed	In Progress		Not Participating

Wyoming Juvenile Justice Data 2009-2012

DFS Juvenile Placement/Incident Comparison (Point in Time)



Source: DFS District Manager Keith Carter, WYCAPS AD HOC Report on 5.2.12. Beginning and end figures: 438 and 335, respectively. Overall decline = 23.5 percent Incidents: placements, changes or other episodes that cause DFS worker involvement

Does Wyoming's have a high rate of out-of-home placement for children and youth?

Determining how Wyoming compares to the rest of the country for total placements is difficult. This is because Wyoming is one of only eleven states to combine its federal foster care reports for children who are victimized and children who are juvenile offenders. This means that when reporting to the federal HHS Adoption and Foster Care Analysis System (AFCARS), Wyoming reports children removed for abuse or neglect as well as children removed to group homes or residential care for juvenile infractions. This results in Wyoming appearing to have comparatively high rates of foster care. Still, in 2010 Wyoming's federally-adjusted rate for both maltreatment and juvenile offenders was 7.5 per 1,000, lower than ten other states and the same as seven others.

However, the U.S. Census Bureau separately tracks juvenile offenders in residential placements. Those reports show even though residential and group home placements have declined significantly since 2006, Wyoming's rate of out-of-home placement for juvenile offenders in 2010 was the country's second highest.

Tony Lewis, DFS Comm. Officer

Juvenile Arrests in Wyoming, 2007 - 2011

	<u>Total Juvenile Arrests</u>	<u>% Change from Prior Year</u>
2007	7,120	+8.5%
2008	6,862	-3.8%
2009	6,077	-11.6%
2010	5,975	-1.7%
2011	4,976	-16.7%
Overall decrease, 2007-2011		-30.1%

Source: Wyoming Attorney General "Crime in Wyoming" <http://attorneygeneral.state.wy.us/dci/CrimeInWyomingReports.html>

In Wyoming, "...The 11% reduction in the use of secure detention from 2009 to 2010, coupled with the steady decrease in arrests, suggested that collaboration occurred throughout the state and not just in specific counties. As noted earlier in this report, VOA recorded 1,864 uses of secure detention in 2010, compared to 2,095 uses in 2009. Furthermore, the Wyoming County Commissioners Association (WCCA) recorded 2,563 uses of secure detention in 2006 and 2,384 uses in 2007 (Evans, 2008, p. 14). During the five-year period from 2006-2010, the use of secure detention then decreased by 27%. Juvenile arrests decreased during that same period of time, dropping from 6,584 in 2006 to 5,975 in 2010, a reduction of 9%. Both of these changes occurred despite the fact that the juvenile population increased from 123,430 in 2006 to 135,402 in 2010, a jump of nearly 10% (Puzzanchera, Sladky, & Kang, 2011)."

Volunteers of the Rockies, 2010 *Wyoming Juvenile Detention Compliance Monitoring Report* (Jan. 2012) <http://www.voanr.org/>

Definitions and Sources Used in this Report

The Adoption and Foster Care Analysis and Reporting System (AFCARS) collects case level information on all children in foster care for whom State and Tribal title IV-E agencies have responsibility for placement, care or supervision, and on children who are adopted under the auspices of the State and Tribal title IV-E agency. AFCARS and NCANDS Data are available at <http://www.acf.hhs.gov/data/> or <http://cwoutcomes.acf.hhs.gov/data/>. The National Child Abuse and Neglect Data System (NCANDS) is a voluntary national data collection and analysis system created in response to the requirements of the Child Abuse Prevention and Treatment Act (Public Law 93-247) as amended. WYCAPS is the Wyoming Child Abuse and Protection System, which tracks caseworker and child data, which is federally-adjusted for AFCARS and NCANDS. Two great resources for compiled child welfare and juvenile justice data are the Annie E. Casey Kids Count at <http://datacenter.kidscount.org> and the Office of Juvenile Justice and Delinquency Prevention, Easy Access to Juvenile Populations at <http://ojjdp.gov/ojstatbb/ezapop>

JDAI Core Strategies

<http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/CoreStrategies.aspx>

At its essence, the purpose of the Juvenile Detention Alternatives Initiative is to demonstrate that jurisdictions can safely reduce reliance on secure detention. We are also testing the hypothesis that detention reforms will equip juvenile justice systems with values, skills, and policies that will improve results in other components of the system. Our objective is to:

- Eliminate the inappropriate or unnecessary use of secure detention;
- Minimize re-arrest and failure-to-appear rates pending adjudication;
- Ensure appropriate conditions of confinement in secure facilities;
- Redirect public finances to sustain successful reforms; and
- Reduce racial and ethnic disparities.

JDAI sites pursue eight interrelated core strategies to accomplish these objectives:

- **Collaboration** between the major juvenile justice agencies, other governmental entities, and community organizations. Without collaboration, even well designed reforms are likely to flounder or be subverted. A formal structure within which to undertake joint planning and policymaking is essential.
 - Pathways to Juvenile Detention Reform #2: Collaboration and Leadership in Juvenile Detention Reform
 - Pathways to Juvenile Detention Reform #1: Planning for Juvenile Detention Reforms, A Structured Approach
- **Use of accurate data**, both to diagnose the system's problems and proclivities and to assess the impact of various reforms, is critical. Without hard facts, myths and anecdotes will rule the system and preclude agreement on key aspects of policy and practice.
 - Pathways to Juvenile Detention Reform #7: By The Numbers—The Role of Data and Information in Detention Reform
- **Objective admissions criteria and instruments** must be developed to replace subjective decision making at all points where choices to place children in secure custody are made.
 - Pathways to Juvenile Detention Reform #3: Controlling the Front Gates—Effective Admissions Policies and Practices
 - Practice Guide to Juvenile Detention Risk Assessment
- **New or enhanced non-secure alternatives to detention** must be implemented in order to increase the options available for arrested youth. These programs must be careful to target only youth who would otherwise be locked up. Whenever possible, they should be based in those neighborhoods where detention cases are concentrated and operated by local organizations.
 - Pathways to Juvenile Detention Reform #4: Consider the Alternatives - Planning and Implementing Detention Alternatives
- **Case processing reforms** must be introduced to expedite the flow of cases through the system. These changes reduce lengths of stay in custody, expand the availability of non-secure program slots, and ensure that interventions with youth are timely and appropriate.
 - Pathways to Juvenile Detention Reform #3: Controlling the Front Gates -- Effective Admissions Reforms and Policies
 - Pathways to Juvenile Detention Reform #5: Reducing Unnecessary Delay - Innovations in Case Processing
- **Special detention cases** — youth in custody as a result of probation violations, writs and warrants, as well as those awaiting placement—must be re-examined and new practices implemented to minimize their presence in the secure facility
 - Pathways to Juvenile Detention Reform #9: Special Detention Cases- Strategies for Handling Difficult Populations

- **Reducing racial disparities** requires specific strategies (in addition to those listed above) aimed at eliminating bias and ensuring a level playing field for youth of color. Change in this arena also requires persistent, determined leadership because the sensitive nature of these discussions and changes frequently provoke defensiveness and avoidance.
 - Pathways to Juvenile Detention Reform #8: Reducing Racial Disparities in Juvenile Detention
- **Improving conditions of confinement** is most likely to occur when facilities are routinely inspected by knowledgeable individuals applying rigorous protocols and ambitious standards. Absent of this kind of consistent scrutiny, conditions in secure facilities are unlikely to improve and often will deteriorate.
 - Pathways to Juvenile Detention Reform #6: Improving Conditions of Confinement in Secure Juvenile Detention Centers
 - JDAI Detention Facility Self-Assessment Practice Guide

July 2012 SAG

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June 18, 2012

Joint Judiciary Interim Committee

Drew Perkins & Kermit Brown, Co-Chairmen

Sent via e-mail to Committee and provided at Joint Judiciary Meeting

RE: Revisions to Wyoming's Juvenile Justice Act

Dear Co-Chairmen Perkins & Brown & Members of the Joint Judiciary Interim Committee:

On behalf of the Wyoming County and Prosecuting Attorneys' Association, we offer the following recommendations as posed by the Joint Judiciary Interim Committee for the June 18, 2012, meeting:

Jurisdiction

In Wyoming, juveniles can enter the justice system in four different ways:

1. Through City/Municipal Court for misdemeanor offense.
2. Through Circuit Court for misdemeanor offense.

3. Through District Court for felony offenses.
4. Through Juvenile Court as a delinquent child.

In an effort to provide more oversight on how juveniles are being handled in each county and to best insure that the appropriate resources are being utilized, the Wyoming Legislature enacted the single point of entry legislation in July of 2009. The single point of entry screening process provides review of all juvenile citations and reports by County and District Attorneys to ensure that juveniles are being placed in the most appropriate program or Court.

W.S. 14-6-203(f) provides, "The district attorney shall establish objective criteria, screening and assessment procedures for determining the court for appropriate disposition in cooperation and coordination with each municipality in the jurisdiction of the district court. The district attorney shall serve as the single point of entry for all minors alleged to have committed a crime. Except as otherwise provided in this section, copies of all charging documents, reports or citations for cases provided in this subsection shall be forwarded to the district attorney prior to the filing of the charge, report or citation in municipal or city court."

Wyoming County and Prosecuting Attorneys are confident that the single point of entry process is working effectively in each of their counties by identifying each juvenile's needs, placing them into the appropriate program or Court, after taking into consideration the resources available in their county. Furthermore, the single point of entry review allows for the individual needs of each juvenile to be considered and allows utilization of community resources.

Wyoming's juvenile courts and criminal courts have concurrent jurisdiction over juveniles in cases where a minor is alleged to have committed a criminal offense. Wyo. Stat. Ann. § 14-6-203(c) (2010). Juvenile courts have exclusive jurisdiction in cases where a minor under thirteen years of age is alleged to have committed a felony or a misdemeanor punishable by imprisonment for more than six months. Wyo. Stat. Ann. § 14-6-203(d) (2010). Juvenile courts also have general jurisdiction over any minor alleged to be delinquent, committed a delinquent act before the minor's eighteenth birthday, or is alleged to be neglected or to be a Child in Need of Supervision. Wyo. Stat. Ann. § 5-8-102(a) (2010).

W.S. 14-6-203(f) provides that the following cases, excluding status offenses, may be originally commenced either in the juvenile court or in the district court or inferior court having jurisdiction:

1. (i) Violations of municipal ordinances, except that if a juvenile is sentenced in a municipal court to a sentence exceeding ten (10) days of jail or detention, the municipal court shall provide to the district attorney in the juvenile's county of residency and the department of education a copy of the judgment and sentence;

(ii) All misdemeanors except:

- (A) Those cases within the exclusive jurisdiction of the juvenile court; and

(B) If a juvenile is sentenced in a municipal or circuit court to a sentence exceeding ten (10) days of jail or detention, the municipal or circuit court shall provide to the district attorney in the juvenile's county of residency and the department of education a copy of the judgment and sentence.

(iii) Felony cases in which the minor has attained the age of seventeen (17) years. The prosecuting attorney shall consider those determinative factors set forth in W.S. 14-6-237(b)(i) through (vii) prior to commencing an action in the district court under this paragraph;

(iv) Cases in which the minor has attained the age of fourteen (14) years and is charged with a violent felony as defined by W.S. 6-1-104(a)(xii);

(v) Cases in which a minor who has attained the age of fourteen (14) years is charged with a felony and has previously been adjudicated as a delinquent under two (2) separately filed juvenile petitions for acts which if committed by an adult constitute felonies.

Since Wyoming has concurrent jurisdiction as to particular offenses, Wyoming County and Prosecuting Attorneys are able to consider a number of different factors to determine the most appropriate program or Court for a juvenile. Some of those factors include: prior criminal history, law enforcement contacts, school attendance and grades, school disciplinary log, parental input, law enforcement input, family history, the age of juvenile, DFS reports, community resources, and prior juvenile court involvement. The flexibility of the Wyoming Juvenile Code and discretion afforded to prosecutors is key in providing the best services possible to each juvenile and their families, based on their individual needs. By having smaller communities, knowing many of the juveniles and their families in each of our counties, and having strong working relationships with the various juvenile agencies and services in the State, Wyoming juveniles are receiving some of the best services available in the nation.

An example of where concurrent jurisdiction and single point of entry is helpful in determining the best course action can be illustrated through the following example. A sixteen year old juvenile is charged with a Minor Under the Influence of Alcohol. He is issued a citation for the offense. Upon the citation and report arriving at the County Attorney's Office, a review is conducted following the analysis as outlined above of the juvenile and family background. At first glance, it may seem as a run of the mill citation, and appropriate to proceed to Circuit Court where many jurisdictions may simply impose a fine or community service. However, through the single point of entry review by the County Attorney, a much different scenario is revealed after learning the juvenile had a 0.35 blood alcohol content, was hospitalized for alcohol poisoning, and the family has disclosed additional substance abuse issues that were not previously brought to law enforcement's attention. By having the discretion afforded by the Wyoming Juvenile Code and concurrent jurisdiction available in these types of cases, Juvenile Court may be most appropriate course of action to allow for placement in DFS custody for placement in an inpatient treatment facility and intensive supervision. This is just one example where concurrent jurisdiction and prosecutor single point of entry review is key to best provide

for the juvenile's needs, rather than following a cookie cutter approach of larger jurisdictions.

The ACLU and others have been quick to imply that other states simply have a better juvenile court system, that other states have streamlined systems where one Court handles all juveniles. However, this is simply not the case. What appears obvious is that many states claim they have one Court with "original, exclusive jurisdiction," however, have many juvenile cases that are exempted out of their Juvenile Court system. Wyoming is not dissimilar to surrounding states in how they handle juvenile jurisdictional issues.

In Idaho, the juvenile court has original, exclusive jurisdiction over any juvenile. However, the juvenile court does not have jurisdiction over juveniles who violate beer, wine, alcohol, tobacco, traffic, watercraft or fish and game laws. It also lacks jurisdiction where the juvenile is a "violent offender" or a sex offender. Idaho Code Ann. § 20-509(1)(j)2009. Idaho has a unique system that prohibits prosecutors from charging children under the age of fourteen with a crime. Idaho Code Ann. § 18-216(1) (2011). If a juvenile between the age of fourteen and eighteen is charged with a violent offense, they are subject to adult criminal proceedings. Idaho Code Ann. §§ 20-505(5), -509(1). A county attorney, juvenile, or the juvenile court itself may file a motion waiving jurisdiction over the juvenile. Idaho Code Ann. § 20-508(2). In determining whether to waive juvenile court jurisdiction the court considers several factors including: the seriousness of the offense, whether the offense was committed in an aggressive manner, whether the alleged offense was against persons or property, maturity of juvenile, juvenile's criminal record, and the likelihood that the juvenile will develop competency and life skills to become a contributing member of the community by use of facilities and resources available to the court. Idaho Code Ann. § 20-508(8).

In Montana, youth court has exclusive original jurisdiction of all proceedings under the Montana youth Court Act in which a youth is alleged to be a delinquent youth or a youth in need of intervention or concerning any person under 21 years of age charged with having violated any law of the state or any ordinance of a city or town other than a traffic or fish and game law prior to having become 18 years of age. Mont. Code Ann. § 41-5-206 (2011). Justices', municipal, and city courts have concurrent jurisdiction with the youth court over all alcoholic beverage, tobacco products, and gambling violations to have been committed by a youth. Mont. Code Ann. § 41-5-203(2) (2011). The youth court may transfer a youth case to district court after notice and hearing. Mont. Code Ann. § 41-5-203(3)(a) (2011).

In South Dakota, the juvenile court is the circuit court. S.D. Codified Laws 26-7A-1(6) (2011). The court has jurisdiction over all delinquent children under the age of 18. South Dakota defines a delinquent child, as any child ten years of age or older who, regardless of where the violation occurred, has violated any federal, state, or local law or regulation for which there is a penalty of a criminal nature for an adult, except state or municipal hunting, fishing, boating, park, or traffic laws that are classified as misdemeanors, or petty offenses or any violation of §

35-9-2 or 32-23-21. S.D. Codified Laws § 26-8C-2. If any child under the age of eighteen years is arrested, with or without a warrant, for a violation of any law or municipal ordinance for which the child is not subject to proceedings as a child in need of supervision as defined in § 26-8B-2 or a delinquent child as defined in 26-8C-2 or for a violation of subdivision 34-46-2(2), the child shall be brought before the judge of a court having jurisdiction over the offense and proceedings shall be conducted as though the child were eighteen years of age or older. S.D. Codified Laws § 26-11-1 (2011).

South Dakota, 26-8B-2 and 26-7A, defines, "child in need of supervision" to mean:

- (1) Any child of compulsory school age who is habitually absent from school without legal excuse;
- (2) Any child who has run away from home or is otherwise beyond the control of the child's parent, guardian, or custodian;
- (3) Any child whose behavior or condition endangers the child's own welfare or the welfare of others;
- (4) Any child who has violated any federal, state, or local law or regulation for which there is not a penalty of a criminal nature for an adult, except violations of subdivision 34-46-2(2), or petty offenses; or
- (5) Any child who has violated § 35-9-2 or 32-23-21.

Further, South Dakota Statute 26-8C-2 and 26-7A, defines "delinquent child," to mean any child ten years of age or older who, regardless of where the violation occurred, has violated any federal, state, or local law or regulation for which there is a penalty of a criminal nature for an adult, except state or municipal hunting, fishing, boating, park, or traffic laws that are classified as misdemeanors, or petty offenses or any violation of § 35-9-2 or 32-23-21.

Only three counties in Nebraska have separate juvenile courts. These and the other 90 county courts have exclusive original jurisdiction over status offenses, dependency/neglect, and non-felony delinquency cases involving juveniles under the age of 16. These courts also have concurrent jurisdiction with the district (criminal) court in delinquency cases involving individuals 16 and older and all felony delinquency cases. In addition, the courts with juvenile jurisdiction have concurrent jurisdiction with the municipal courts over traffic violations. Where concurrent jurisdiction applies, the county attorney decides the court in which the case will be filed. Cases involving individuals under 18 years of age that are filed in district court are filed under the criminal code and thus, are not truly juvenile cases. National Center for Juvenile Justice, *Nebraska Juvenile Court Case Records*, National Juvenile Justice Data Archive, 5 (2007), http://www.ojjdp.gov/ojstatbb/njcda/pdf/NE2004_2005.pdf.

Colorado does not have juvenile courts with exclusive jurisdiction except for in the

Denver area. Cases involving offenders are heard in district courts which have general jurisdiction. Colo.Rev.Stat. § 22-33-108 (2010). There is a complicated tiered system for offenders, which dictates procedure, sentencing and eligibility for expungement. Colo. Rev. Stat. §§ 19-1-306(7)(a), 19-2-516, 19-2-601(2010). Juveniles are not under juvenile court jurisdiction for certain non-felonies such as traffic ticket, possession of alcohol, and other specified misdemeanors under Colo. Rev. Stat. § 18-18-406(1) and Colo. Rev. Stat. § 18-13-121, 122. *Id.* § 19-2-104(a)(I). In these misdemeanor cases, county court and juvenile court have concurrent jurisdiction. *Id.* § 19-2-104(5). However, if a juvenile court accepts jurisdiction over one of these cases, then “the county court jurisdiction shall terminate.” *Id.* § 19-2-105(5).

In Colorado, a juvenile can be charged by direct filing in district court only if they are sixteen years of age or older and are alleged to have committed a certain felony outlined in the statute. Colo. Rev. Stat. § 19-517(1)(a)(I)-(VII). A juvenile fourteen years of age or older can be subject to direct filing in district court if they have previously been subject to a district court proceeding either through direct filing or transfer pursuant to Colo. Rev. Stat. § 19-2-517(c). A juvenile may be transferred into district court from juvenile court under Colo. Stat. § 19-2-518(1)(a). This statute allows for a juvenile that is twelve or thirteen years of age at the time the crime was committed to be transferred, upon a filing of petition in juvenile court, to district court if the alleged offense is a class 1 or class 2 felony or crime of violence. *Id.* § 19-2-518(I)(A). A juvenile fourteen years of age or older may be transferred, upon petition, to district court if the alleged offense is a felony, and after an investigation and hearing in juvenile court, the court determines it is contrary to the best interest of the juvenile or public to retain jurisdiction. *Id.* § 19-2-518(I)(B)-(B)(II).

In Utah, the juvenile code covers those under the age of 21. The juvenile court has exclusive, continuing jurisdiction over anyone under the age of 21 who violates any federal, state or local law including municipal ordinances. Utah Code Ann. § 78A-6-103(1)(2011). Utah juvenile courts follow the rules of criminal procedure when dealing with criminal offenses. Ut. R. Of Juv, P 2. Utah law exempts anyone under the age of 14 from culpability. Utah Code Ann. § 76-2-301 (2011). Cases involving certain crimes committed by those over the age of 18 are transferred to district court for handling as an adult. Utah Code Ann. §§ 78A-6-702, 703(2011).

As a general rule, most Wyoming County and Prosecuting Attorneys believe that the current system, allowing for concurrent jurisdiction, multiple court options, single point of entry review, and prosecutor discretion in utilizing the resources available in each of their communities, is working well and should continue.

Confidentiality

In Wyoming, all information, reports, and records evidencing any legal or administrative

process or disposition resulting from a juvenile's misconduct are confidential and are not disclosed. Wyo. Stat. Ann. § 14-6-203(g) (2010). However, confidentiality is not required if a juvenile is charged and processed through a municipal or circuit court. Wyo. Stat. Ann. § 14-6-203(j) (2010).

Wyoming is not dissimilar to surrounding states in how it handles juvenile confidentiality issues. In Wyoming, some cases are confidential while others are not. Below is a brief summary of how the surrounding states handle juvenile confidentiality issues.

Idaho Courts provides public access to juvenile records through an online database where members of the public can search by name and/or case number. The database, maintained by the Supreme Court, includes records for actions committed by juveniles that would result in criminal charges if committed by an adult. Juvenile status offenses and probation violations are also reported. (Idaho State Judiciary, *Idaho State Supreme Court Repository*, <https://www.idcourts.us/repository/start/do>). If the juvenile is over the age of 14 and the offense would be considered a felony for an adult, all proceedings are open to the public. Exempt from disclosure are reports used for sentencing juveniles. Idaho Ct. Admin. Code r. 32(g)(9)(E) 2009.

In Montana, formal youth court records, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees on file with the clerk of court are public records and are open to public inspection until the records are sealed upon the eighteenth birthday of the youth. Mont. Code Ann. §§ 41-5-215, 216 (2011). The youth court shall notify the school district that the youth presently attends or the school district that the youth has applied to attend of a youth's suspected drug use or criminal if, after an investigation has been completed the youth has admitted the allegation, a petition has been filed with the youth court and a juvenile probation officer has reason to believe that a youth is currently involved with drug use or other criminal activity that has a bearing on the safety of children. Mont. Code Ann. 41-5-215(3)(a) (2011). Notification may not be given to schools for status offenses. *Id.* at MCA 41-5-215(3)(b). Formal youth court records, law enforcement records, and department records that are not exempt from sealing, such as medical records, DNA records, photographs, youth traffic records, records in any case where the youth did not satisfy the requirements of the court's judgment, or in any instance in which the youth was required to register as a sex offender. Mont. Code Ann. § 41-5-216 (2011). Sealed records may be reopened for reasons listed in Mont. Code Ann. § 41-5-216(5) (2011).

In South Dakota, all pleadings and hearings in juvenile court are open and a matter of public record if a juvenile is summoned into court for an offense which if committed by an adult would constitute a crime of violence as defined in subdivision 22-1-2(9) or a crime involving a drug offense in violation of § 22-42-2 or 22-42-3, and at the time of the offense the juvenile was sixteen years of age or older. S.D. Codified Laws § 26-7A-36 (2011). The records of law enforcement officers and agencies concerning all children taken into temporary custody or issued

a summons or citation under this chapter or chapter 26-8A, 26-8B, or 26-8C shall be maintained separately from the records of arrest and any other records regarding detention of adult persons. The records concerning children, including their names, may not be inspected by or disclosed to the public except by order of the court, the court orders the child to be held for proceedings as provided in chapter 26-11, or if there has been a conviction an investigation is being made for probation. S.D. Codified Laws § 26-7A-27 (2011).

South Dakota State 26-7A-36 provides that hearings closed unless court compelled otherwise--Exceptions. All hearings in actions under this chapter and chapter 26-8A, 26-8B, or 26-8C are closed unless the court finds compelling reasons to require otherwise. However, all pleadings and hearings shall be open and a matter of public record if a juvenile is summoned into court for an offense which if committed by an adult would constitute a crime of violence as defined in subdivision 22-1-2(9) or a crime involving a drug offense in violation of § 22-42-2 or 22-42-3, and at the time of the offense the juvenile was sixteen years of age or older.

26-11-3.1. Request for transfer hearing by delinquent child charged with felony. Any delinquent child sixteen years of age or older against whom Class A, Class B, Class C, Class 1, or Class 2 felony charges have been filed shall be tried in circuit court as an adult. However, the child may request a transfer hearing which shall be conducted pursuant to § 26-11-4 to determine if it is in the best interest of the public that the child be tried in circuit court as an adult. In such a transfer hearing, there is a rebuttable presumption that it is in the best interest of the public that any child, sixteen years of age or older, who is charged with a Class A, Class B, Class C, Class 1, or Class 2 felony, shall be tried as an adult.

26-11-5.1. Provision for notice to school officials and parent or guardian by law enforcement agency where student suspected of violating state drug or alcohol laws or of threatening violence. Notwithstanding any other provision of law, a law enforcement agency may provide notice of an incident within its jurisdiction to public or nonpublic school officials and to the parent or guardian of a school student if the incident is one in which the agency has probable cause to believe the school student has violated any provision of state law involving alcohol, illegal drugs, firearms, or bomb threats, or has made any threat of violence relating to any school or its students, employees, or property. However, if there is a prolonged criminal investigation and revealing information would jeopardize a successful conclusion to the case, the law enforcement agency may provide the notice at some later appropriate time. The notice shall be in writing.

26-11-5.2. Provision for notice to school officials by judicial system where student convicted of certain crimes. Within ten days after disposition of any judicial proceeding in which a juvenile is adjudicated or convicted of committing, attempting to commit, or conspiring to commit murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first or

second degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, any felony offense pursuant to chapter 22-14, or any felony offense pursuant to chapter 22-14A, the Unified Judicial System shall give notice to the chief administrator of the school in which the juvenile is enrolled. The notice shall include a description of the offense committed and the disposition by the court and may include a description of the acts constituting the offense.

While Colorado has an open records act, juvenile court records are exempt from disclosure without a court order. The law permits anyone with a legitimate interest to petition the court for access to such records. Colo. Rev. Stat. §§ 19-1-302(1)(a) and 304(1)(c)(X) (2010).

Nebraska law specifically denies public and media access to medical, psychological, psychiatric, social welfare, and juvenile probation officer reports. Neb. Rev. Stat. §43-2, 108(2) (2010). The public and media are allowed access to petitions, summons, notices, certificates of mailing, minutes of the court, findings, orders, decrees, judgments and motions of juvenile records unless sealed. Neb. Rev. Stat. § 43-2, 108(1) (2010).

In Utah, records are confidential until the offender is 14 and commits a felony. In those circumstances, petitions, indictments, adjudications, disposition orders and social summaries are all public records but subject to court order denying access to the same. Utah Code Ann. §§ 78A-6-209(4), (6) (2011). If a person is charged with a felony as an adult, their juvenile court record becomes open to anyone who requests the same. Utah Code Ann. § 78A-6-209(6)(a) (2011).

Most Wyoming County and Prosecuting Attorneys generally believe that the confidentiality provisions currently provided by Wyoming law are sufficient and do not create unfair prejudice toward juveniles. Some prosecutors believe that confidentiality should be removed altogether, allowing for access by the public. Others believe it is necessary to maintain some level of confidentiality.

One point that all prosecutors believe is helpful is Wyoming's expungement process, both in juvenile court cases, as well as municipal and circuit court cases. Wyoming statute 14-6-241 provides,

(a) Any person adjudicated delinquent as a result of having committed a delinquent act other than a violent felony as defined by W.S. 6-1-104(a)(xii), under the provisions of this act may petition the court for the expungement of his record in the juvenile court upon reaching the age of majority. If after investigation the court finds that the petitioner has not been convicted of a felony since adjudication, that no proceeding involving a felony is pending or being instituted against the petitioner and the rehabilitation of the petitioner has been attained to the satisfaction of the court or the prosecuting attorney, it shall order expunged all records in the custody of the court or any agency or official, pertaining to the petitioner's case. Copies of the order shall be sent to each agency or

official named in the order. Upon entry of an order the proceedings in the petitioner's case are deemed never to have occurred and the petitioner may reply accordingly upon any inquiry in the matter.

(b) The record of a violation of municipal ordinances may be expunged in the same manner as provided in subsection (a) of this section by petition to the municipal court.

(c) The record of a minor convicted of a misdemeanor in circuit court may be expunged in the same manner as provided in subsection (a) of this section by petition to the circuit court.

The Wyoming County and Prosecuting Attorneys' Association believes that the proposal that there be an automatic expungement process upon reaching the age of 18, places an undue burden on the prosecutors and Courts. Further, not everyone should be entitled to expungement based on the requirements listed above, and the onerous task of searching for felonies and other information on the counties would be burdensome. The juvenile, now adult, should continue to be required to petition the Court for expungement, appear as needed and convince the Court and prosecutor that they are entitled to removal of the conviction.

Placing all Juveniles in Circuit Court

The Wyoming County and Prosecuting Attorneys do not believe that the current juvenile system is broken. With some minor changes, and opportunity for additional program and services around the state, our current system could work more efficiently, without the need of creating one Court to handle all juveniles.

In the event that the legislature believes that there should be one court with original jurisdiction for all juveniles, the prosecutors believe that District Court continues to be the most appropriate for handling delinquencies, CHINS and neglects. District Court judges are familiar with juvenile court issues, family issues, custody and divorce and their impacts on juveniles. Many of these three types of cases are intertwined and involve the same families. If all other cases involving juveniles are to be placed in one Court, the burden on that Court would be overwhelming, regardless of which Court that were to occur.

Juvenile Court cases require regular MultiDisciplinary Team meetings, social summaries on the juvenile and family, formal petitions, probation officers, separate hearings to ensure confidentiality, etc. With such requirements for all juveniles, the system would come to a screeching halt. Confidentiality requirements for all juvenile court cases would, as well, overburden the current system. Under the proposed changes, each juvenile would be heard separately in court. This would require the 40 person juvenile partygoers to be heard individually, with advisals of rights given 40 times, rather than once, as currently done in traffic court. The sheer time requirements of this proposal would cripple the current system, from the prosecutor, judge, court staff and juvenile attorney's time.

By way of example, in Campbell County, juveniles who go through Juvenile Court require a minimum of 10-15 hours of a prosecuting attorney's time. Campbell County has roughly 1,200 juveniles that receive tickets, participate in our diversion program, or who go to Juvenile Court each year. Of those, 500 or so citations are minor traffic offenses, and could possibly go to municipal or circuit court for resolution and not require any additional time than that already expended. With that being said, 700 juveniles would remain and be placed in either a Diversion program or Juvenile Court. Assuming the 700 remain, and would require Juvenile Court involvement, 7,000 man hours would be expended by the County Attorneys alone. We currently have roughly 3.5 full-time attorneys handling the Juvenile Court cases, including CHINS, neglect, and delinquency, in Campbell County, handling roughly 200 delinquency cases a year. To adequately staff the 7,000 man hours generated from Judge Hartman's proposal, the Campbell County Attorney's Office would need three times the number of county attorneys to handle the juvenile caseload.

This is just one example of the staffing that would be required under the proposed changes and creating a juvenile court of original jurisdiction. Furthermore, there would be additional requirements that come with that system, or with forced diversion for all juveniles. This does not take into consideration additional costs and staffing for judges, juvenile attorneys, Department of Family Services, juvenile diversion, local county-run probation offices, juvenile counselors, etc.

Currently, some counties utilize their Circuit Court more regularly than other counties when determining what Court best serves the juvenile when doing their single point of entry review. Although Circuit Court works well in some counties, in others, such a process would not be the most efficient, due to caseloads in certain counties. As you know, Circuit Court does not provide for change of placement to DFS custody as Juvenile Court does. In those cases where change of custody or more intensive services are needed, those cases originally commenced in Circuit Court in those communities are later being filed in Juvenile Court. The current use of Circuit Court is a mechanism being used more regularly by some communities, where other communities are utilizing other courts to achieve the results that best suit their needs and juveniles.

Again, prosecutors believe that the current system is not broken and that with some minor changes to the current Juvenile Code, such as those being proposed by Joe Baron, Crook County & Prosecuting Attorney, the system would be even more efficient. Joe Baron will be submitting a list of statutory changes to the committee for consideration.

Improvements to and Costs of the Juvenile Justice System

As to the costs associated with the juvenile justice system, the Department of Family Services and Department of Health may be the best resource for some of that information. Certainly each county employs prosecutors to handle cases involving juveniles, there are local programs that have been created to address various juvenile needs in each community, funded

through private funding and grant funding, and many other expenses that are difficult to gather and provide a comprehensive list of expenses.

As to improvements that could be made to the current juvenile justice system, the Wyoming County and Prosecuting Attorneys' Association believes that regionalized core services are essential. Some of those core regionalized services would include inpatient mental and substance abuse treatment for juveniles, residential mental health services, outpatient mental health services, acute crisis bed placements and regionalized detention centers that could be tapped into by all communities in the state.

As to other services, each community knows what their specific needs are. Localized control and services create the best outcomes for juveniles and families in each of our communities. Local communities have made substantial progress in providing better outcomes, however, not every community is able to fund and support the programs needed to best serve juveniles in their community and a better solution is needed to ensure that basic core services can be provided in each community.

Wyoming County and Prosecuting Attorneys generally agree that the current legal framework upon which we operate is sufficient. What is needed more, is adequate funding for core services, local resources, and better pay for trained caseworkers and probation officers who work in the system would be beneficial to improving the juvenile system.

Summary

In summary, most Wyoming County and Prosecuting Attorneys believe that the current system, allowing for concurrent jurisdiction, multiple court options, single point of entry review, and prosecutor discretion in utilizing the resources available in each of their communities, is working well and should continue.

Most Wyoming County and Prosecuting Attorneys generally believe that the confidentiality provisions currently provided by Wyoming law are sufficient and do not create unfair prejudice toward juveniles. Some prosecutors believe that confidentiality should be removed altogether, allowing for access by the public. Others believe it is necessary to maintain some level of confidentiality. All believe that the current expungement process is sufficient and that automatic expungement upon turning 18 would be onerous on the State and courts and that the current statute and requirements be kept in place.

The Wyoming County and Prosecuting Attorneys do not believe that the current juvenile system is broken. With some minor changes, specifically those outlined in a separate letter by Joe Baron, Crook County & Prosecuting Attorney, and opportunity for additional program and services around the state, our current system could work more efficiently, without the need of creating one Court to handle all juveniles.

Wyoming County and Prosecuting Attorneys believe that regionalized core services funded by the State are essential, such as inpatient mental and substance abuse treatment for juveniles, residential mental health services, outpatient mental health services, acute crisis bed placements and regionalized detention centers that could be tapped into by all communities in the state. Further, that other services and programs should be dictated by each county's needs.

Wyoming County and Prosecuting Attorneys are committed to doing what is right for juveniles and do the best with the resources that we have. We have dedicated and skilled prosecuting attorneys, Guardian ad Litem, and judges working hard every day to make sure that **each** kid is receiving the services that **they** need, and not taking a cookie cutter approach to juvenile justice.

Thank you for allowing the Wyoming County and Prosecuting Attorneys' Association to comment on these issues. If you have any questions, please feel free to contact any of your elected prosecutors around the State.

Sincerely,

Jeani Stone

Jeani L. Stone
President of the Wyoming County & Prosecuting Attorneys' Association
Campbell County & Prosecuting Attorney

July 2012 SAG

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August 26, 2011
Modified June 14, 2012

Joint Judiciary Interim Committee:

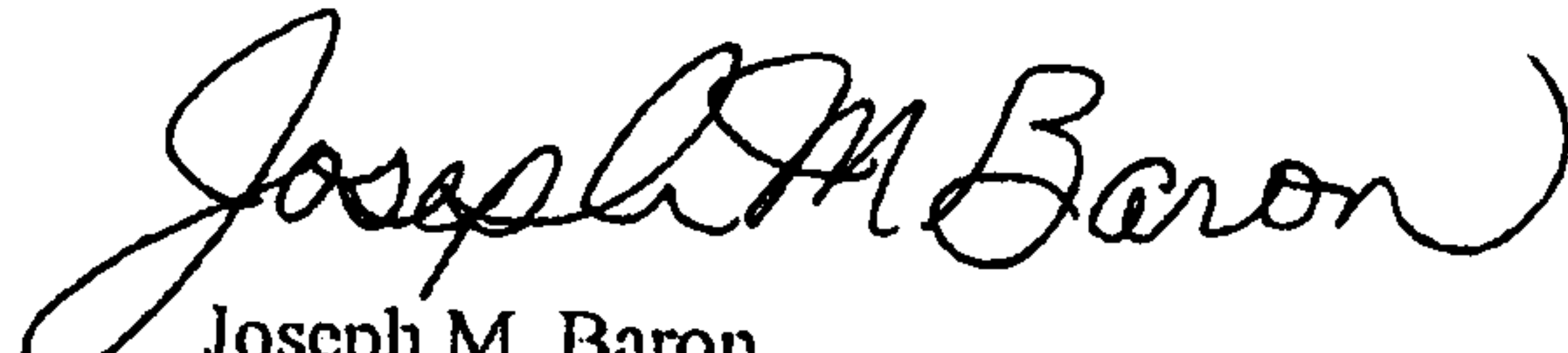
I have attached several changes to the statutes concerning minors and their parents for your consideration. I will summarize them here:

1. WS 14-2-203 14-6-244 increase the liability of parents for their minor children
2. WS 14-2-309 Adding sex offense against any minor as grounds to terminate parental rights and **incarcerated at the time of filing the petition**
3. WS 14-3-202 21-4-107 Adding a declaration of habitual truancy by a school board of a minor under 13 as neglect and 13 and above as a child in need of supervision.
4. WS 14-3-214 14-3-437 14-6-203 14-6-239 14-6-306 14-6-903 Adding Community Juvenile Services, criminal justice agencies and other public and private agencies access to confidential records, juvenile court records and criminal records
5. WS 14-3-215 14-6-301 et seq. statutory cleanup change youth to minor
6. WS 14-3-412 Add right to request review hearing in neglect case in case of violation of the order
7. WS 14-3 422 14-6-235 14-6-434 Shift cost to the state from the county for parents attorney
8. WS 14-3-438 14-6-242 14-6-438 Increase penalty for contempt to 6 months
9. WS 14-6-201 adding misdemeanors from other states under the jurisdiction of the Juvenile court at the prosecutors option to definition of Delinquent Act **and violations of neglect and child in need of supervision orders**
10. WS 14-6-201 14-6-301 14-6-302 14-6-304 14-6-307 14-9-103 14-9-106 adding criminal conviction under the definition of probation and adding juvenile services boards to the list of probation agencies and requiring DFS to supervise all minors from all courts
11. WS 14-6-203 14-6-211 clean up of Single Point of Entry
12. WS 14-6-203 14-6-501 adding misdemeanors and key witnesses to the Victims Bill of Right instead of just Felonies
13. WS 14-6-246 adding language clarifying that you can aggregate crimes to increase the sanction level
14. WS 14-6-402 14-6-431 change the jurisdiction of CHINS to include 17 year olds and ends jurisdiction at 18 or graduates from High School.

15. WS 14-9-107 and 108 Fund Juvenile Service Boards 100% and eliminate grant requests.
16. WS 3-3-1101-1105 Increase the Burden of Proof in guardianship cases where a guardianship has been entered when a Neglect case has been closed. And limit petitions to one a year.
17. WS 21-4-102 Raise the age of compulsory attendance to 18 or graduates from High School.

Attached are the proposed changes. I will discuss any of them with you at the August Hearing and now June Hearing.

Sincerely,



Joseph M. Baron

TITLE 14
CHILDREN

ARTICLE 2
RIGHTS AND OBLIGATIONS

14-2-202. Payment or delivery to parent of minor's estate not exceeding \$320,000; duty of parent.

(a) Money or other property not exceeding ~~three~~twenty thousand dollars (\$320,000.00) in value belonging to a minor having no guardian of his estate may be paid or delivered to a parent entitled to the custody of the minor to hold for the minor, upon written assurance verified by the oath of the parent that the total estate of the minor does not exceed ~~three~~twenty thousand dollars (\$320,000.00) in value. The written receipt of the parent shall be an acquittance of the person making the payment or delivery of money or other property.

(b) It is the duty of the parent to apply the funds received to the use and benefit of the minor.

14-2-203. Parental tort liability for property damage of certain minors; exception; action cumulative.

(a) Any property owner is entitled to recover damages from the parents of any minor under the age of ~~seventeen~~eighteen (~~17~~18) years and ~~over the age of ten~~ (~~10~~) years who maliciously and willfully damages or destroys his property. The recovery is limited to the actual damages in an amount not to exceed ~~two~~twenty thousand dollars (\$220,000.00) in addition to taxable court costs. This section does not apply to parents whose parental custody and control of the child had been terminated by court order prior to the destructive act.

(b) The action authorized in subsection (a) of this section is in addition to all other actions which the owner is entitled to maintain and nothing in this section precludes recovery in a greater amount from the minor, parents or any person for damages for which the minor or other person would otherwise be liable. The purpose of this section is to authorize recovery from parents in situations where they would not otherwise be liable.

TERMINATION OF PARENTAL RIGHTS

14-2-309. Grounds for termination of parent-child relationship; clear and convincing evidence.

(a) The parent-child legal relationship may be terminated if any one (1) or more of the following facts is established by clear and convincing evidence:

(iv) The parent is incarcerated at the time the petition is filed due to the conviction of a felony and a showing that the parent is unfit to have the custody and control of the child;

(viii) The parent is convicted of murder or homicide of the other parent of the child under W.S. 6-2-101 through 6-2-104_ and any felony sexual offense against any minor child.

(b) Proof by clear and convincing evidence that the parent has been convicted of any of the following crimes ~~may~~ constitutes grounds that the parent is unfit to have custody or control of any child and may be grounds for terminating the parent-child relationship as to any child with no requirement that reasonable efforts be made to reunify the family:

(i) Murder or voluntary manslaughter of another child of the parent or aiding and abetting, attempting, conspiring to commit or soliciting such a crime; or

(ii) Commission of a felony assault which results in serious bodily injury to a child of the parent. As used in this paragraph "serious bodily injury" means as defined by W.S. 6-1-104.

(iii) Commission of any felony sexual assault to a child of the parent.

14-3-202. Definitions.

(a) As used in W.S. 14-3-201 through 14-3-216:

(vii) "Neglect" means a failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education, a declaration of habitual truancy of a minor under the age of 13, 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;

14-3-214. Confidentiality of records; penalties; access to information; attendance of school officials at interviews; access to central registry records pertaining to child protection cases.

(b) Applications for access to records concerning child abuse or neglect contained in the state agency or local child protective agency shall be made in the manner and form prescribed by the state agency. Upon appropriate application, the state agency shall give access to any of the following persons or agencies for purposes directly related with the administration of W.S. 14-3-201 through 14-3-216:

(ix) Community Juvenile Service Boards created by W.S. 14-9-101.

(x) Any criminal justice agency as defined by W.S. 7-19-103.

(xi) Any public or private entity that supervises or cares for minors.

14-3-215. Interagency children's collaborative.

(b) The department of family services shall adopt rules by July 1, 2005, to establish guidelines for review of case files of children in state custody as a result of any action commenced under this title. The rules shall be adopted by the department of family services with the advice of the departments of education, health and workforce services. In addition to providing for the review of cases and the progress made towards returning children in state custody to their homes, communities or other permanent placements, the guidelines shall provide specific processes for:

(i) Local ~~multidisciplinary~~ child protection teams to voluntarily present case files to the collaborative for review;

(ii) The review of cases in which more than one (1) state agency provides services to the child and his family; and

(iii) The review of statewide availability and utilization of resources for children in state custody.

ARTICLE 4
CHILD PROTECTION ACT

14-3-412. Commencement of proceedings; contents of petition.

(a) Proceedings in juvenile court are commenced by filing a petition with the clerk of the court. The petition and all subsequent pleadings, motions, orders and decrees shall be entitled "State of Wyoming, In the Interest of . . . , minor." A petition shall be signed by the district attorney on information and belief of the alleged facts. All petitions must be verified.

(b) The petition shall set forth all jurisdictional facts, including but not limited to:

(i) The child's name, date of birth and address;

(ii) The names and addresses of the child's parents, guardian or custodian and the child's spouse, if any;

(iii) Whether the child is being held in shelter care and if so, the name and address of the facility and the time shelter care commenced;

(iv) A statement setting forth with particularity the facts which bring the child within the provisions of this act; and

(v) Whether the child is an Indian child as defined in the federal Indian Child Welfare Act and, if so, a statement setting forth with particularity the notice provided to the appropriate tribal court.

(c) The petition shall state if any of the facts enumerated in subsection (b) of this section are unknown.

(d) Any party may request a review hearing for a violation of any part of a court order or case plan.

14-3-422. Advising of right to counsel required; appointment of counsel; verification of financial condition.

(a) At their first appearance before the court and at their initial hearing the child's parents, guardian or custodian shall be advised by the court of their right to be represented by counsel at every stage of the proceedings including appeal, and to employ counsel of their own choice.

(b) The court shall upon request appoint counsel to represent the child's parents, guardian or custodian if the child's parents, guardian or custodian are unable to obtain counsel. If appointment of counsel is requested, the court shall require the child's parents, guardian or custodian to verify their financial condition under oath, either by written affidavit signed and sworn to by the parties or by sworn testimony made a part of the record of the proceedings. The affidavit or sworn testimony shall state they are without sufficient money, property, assets or credit to employ counsel in their own behalf. The court may require further verification of financial condition if it deems necessary.

(c) ~~(e)~~ The court may appoint counsel for any party when necessary in the interest of justice.

(d) The parents attorney shall be paid for by the state.

14-3-434. Fees, costs and expenses.

(a) There is no fee for filing a petition under this act nor shall any state, county or local law enforcement officer charge a fee for service of process under this act. Witness fees, juror fees and travel expenses in the amounts allowable by law may be paid to persons other than the parties who are subpoenaed or required to appear at any hearing pursuant to this act.

(b) The following costs and expenses, when approved and certified by the court to the ~~county treasurer~~ state auditor, shall be a charge upon the funds of the ~~county~~ state where the proceedings are held and shall be paid by the ~~board of county commissioners of that county~~ state of Wyoming:

(i) Witness fees and travel expense;

(ii) Jury fees, costs and travel expense;

(iii) Costs of service of process or notice by certified mail;

(iv) Costs of any physical or mental examinations or treatment ordered by the court;

(v) Reasonable compensation for services and costs of counsel appointed by the court;

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court; and

(vii) Any other costs of the proceedings which would be assessable as costs in the district court.

14-3-437. Records and reports confidential; inspection.

(a) Throughout proceedings pursuant to this act the court shall safeguard the records from disclosure. Upon completion of the proceedings, whether or not there is an adjudication, the court shall order the entire file, except for child support orders, and record of the proceeding sealed and the court shall not release these records except to the extent necessary to meet the following inquiries:

(i) From another court of law;

(ii) From an agency preparing a presentence report for another court;

(iii) From a party to the proceeding;

(iv) From the department of family services for purposes of establishing, modifying or enforcing a support obligation.

(v) From any criminal justice agency defined by W.S. 7-19-103.

(b) Upon receipt of inquiries as set out in this section, the court may release a copy of the presentence investigation report together with a cover letter stating the disposition of the proceeding.

14-3-438. Liability for contempt; penalties.

Notwithstanding any other provision of law, the court upon its own motion or upon the motion of the district or county attorney, or guardian ad litem, may find that the child's parent, parents, or guardian or any other person who willfully violates, or neglects or refuses to obey or perform any order or provision of this act is liable for contempt of court and may be fined not more than five hundred dollars (\$500.00) or incarcerated not more than ~~ninety (90) days~~ six (6) months or both.

ARTICLE 2
JUVENILE JUSTICE ACT

14-6-201. Definitions; short title; statement of purpose and interpretation.

(a) As used in this act:

(ix) "Delinquent act" means an act punishable as a criminal offense by the laws of this state or any political subdivision thereof, or contempt of court under W.S. 14-6-242, or an act violating the terms and conditions of a court order in a neglect of child in need of supervision action, any court order which resulted from the criminal conviction of any child, or an act committed in another state that would constitute a misdemeanor if committed in Wyoming, except traffic offenses, but does not include a status offense;

(xix) "Probation" means a legal status created by court order following a conviction of a criminal offense, an adjudication of delinquency or of a status offense where a child is permitted to remain in his home subject to supervision by a city or county probation officer, the department or other qualified private organization the court may designate. A child is subject to return to the court for violation of the terms or conditions of probation provided for in the court order;

14-6-203. Jurisdiction; confidentiality of records.

(f) The district attorney shall establish objective criteria, screening and assessment procedures for determining the court for appropriate disposition ~~in cooperation and coordination with each municipality court~~ in the jurisdiction of the district court. The district attorney shall serve as the single point of entry for all minors alleged to have committed a crime. ~~Except as otherwise provided in this section, copies of~~

~~all~~ All charging documents, reports or citations for cases ~~provided in this subsection~~ shall be forwarded to the district attorney prior to the filing of the charge, report or citation in municipal or city court. Subject to the decision of the district attorney single point of entry review, ~~The the~~ following cases, excluding status offenses, may be ~~originally~~ commenced either in the juvenile court or in the district court or inferior court having jurisdiction:

(g) Except as provided by subsection (j) of this section, all information, reports or records made, received or kept by any municipal, county or state officer or employee evidencing any legal or administrative process or disposition resulting from a minor's misconduct are confidential and subject to the provisions of this act. The existence of the information, reports or records or contents thereof shall not be disclosed by any person unless:

(v) The disclosure is made to a victim of a delinquent ~~act constituting a felony~~, in accordance with W.S. 14-6-501 through 14-6-509; or

(vi) The disclosure is authorized by W.S. 7-19-504.

(vii) The discloser is to Community Service Board.

(viii) The disclosure is to a criminal justice agency as defined by W.S. 7-19-103.

14-6-211. Complaints alleging delinquency; investigation and determination by district attorney.

(a) Complaints alleging a child is delinquent or has committed a criminal offense shall be referred to the office of the district attorney. The district attorney shall determine whether the best interest of the child or of the public require that judicial action be taken. The department, the county sheriff and the county probation departments shall provide the district attorney with any assistance he may require in making an investigation. The district attorney shall prepare and file a petition with the court if he believes action is necessary to protect the interest of the public or child.

14-6-235. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the ~~county treasurer~~state auditor, shall be a charge upon the funds of the ~~county~~state where the proceedings are held and shall be paid by the ~~board of county commissioners of that county~~state of Wyoming:

- (i) Witness fees and travel expense;
- (ii) Jury fees, costs and travel expense;
- (iii) Costs of service of process or notice by certified mail;
- (iv) Costs of any physical or mental examinations or treatment ordered by the court;
- (v) Reasonable compensation for services and costs of counsel appointed by the court;
- (vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court; and
- (vii) Any other costs of the proceedings which would be assessable as costs in the district court.

14-6-239. Records and reports confidential; inspection.

(a) Throughout proceedings pursuant to this act the court shall safeguard the records from disclosure. Upon completion of the proceedings, whether or not there is an adjudication, the court shall order the entire file, except for child support orders, and record of the proceeding sealed and the court shall not release these records except as provided in W.S. 14-6-203(g) or 14-6-240, unless there has been an adjudication of a delinquent act and except to the extent necessary to meet the following inquiries:

- (i) From another court of law;
- (ii) From an agency preparing a presentence report for another court;
- (iii) From a party to the proceeding;
- (iv) From the department of family services for purposes of establishing, modifying or enforcing a support obligation.

(v) From a criminal justice agency as defined by W.S. 7-19-103.

(b) Upon receipt of inquiries as set out in this section, the court may release a copy of the presentence investigation report together with a cover letter stating the disposition of the proceeding.

(c) Repealed by Laws 1995, ch. 154, § 2.

(d) Nothing in subsection (a) of this section shall limit the disclosure of records authorized by W.S. 7-19-504.

14-6-241. Expungement of records in juvenile and municipal courts.

(a) Any person adjudicated delinquent as a result of having committed a delinquent act other than a violent felony as defined by W.S. 6-1-104(a)(xii), under the provisions of this act may petition the court for the expungement of his record in the juvenile court upon reaching the age of majority or two years after the case is closed, which ever is later. If after investigation the court finds that the petitioner has not been convicted of a felony since adjudication, that no proceeding involving a felony is pending or being instituted against the petitioner and the rehabilitation of the petitioner has been attained to the satisfaction of the court or the prosecuting attorney, it shall order expunged all records in the custody of the court or any agency or official, pertaining to the petitioner's case. Copies of the order shall be sent to each agency or official named in the order. Upon entry of an order the proceedings in the petitioner's case are deemed never to have occurred and the petitioner may reply accordingly upon any inquiry in the matter.

(b) The record of a violation of municipal ordinances may be expunged in the same manner as provided in subsection (a) of this section by petition to the municipal court.

(c) The record of a minor convicted of a misdemeanor in circuit court may be expunged in the same manner as provided in subsection (a) of this section by petition to the circuit court.

14-6-242. Liability for contempt; penalties.

Notwithstanding any other provision of law, the court upon its own motion or upon the motion of the district or county

attorney, or guardian ad litem, may find that the child, child's parent, parents, or guardian or any other person who willfully violates, or neglects or refuses to obey or perform any order or provision of this act is liable for contempt of court and may be fined not more than five hundred dollars (\$500.00) or incarcerated not more than ~~ninety (90) days~~ six (6) months, or both.

14-6-244. Parental liability for failure to exercise reasonable control and authority.

(a) A parent or guardian having custody of a child shall exercise such parental control and authority over the child as is reasonably necessary to prevent the child from engaging in delinquent acts.

(b) If the court finds at the hearing of a juvenile petition that the parent or guardian having custody of the child has failed or neglected to subject the juvenile to reasonable parental control and authority, and that such failure or neglect is the proximate cause of the act or acts of the juvenile upon which a finding of delinquency is based, the court may, if the child is placed on probation, require the parent or guardian to furnish a cash deposit or bond in an amount not to exceed ~~five hundred~~ five thousand dollars (~~\$500.00~~ \$5000.00), conditioned upon the faithful discharge of the conditions of the child's probation.

(f) The court may order the parents to pay for any actual damages caused by their child up to the amount set forth in W.S. 14-2-203.

14-6-246. Sanction levels.

(c) If the court determines that a child assigned a sanction level of one through four has violated a condition imposed under that sanction level, the court shall conduct a new disposition hearing and may assign the child a sanction level that is one (1) level higher than the previously assigned sanction level.

(e) ~~(d)~~—If the juvenile court deviates from the guidelines under this section it shall state in writing its reasons for the deviation and enter the statement into the record. Nothing in W.S. 14-6-245 through 14-6-252 prohibits the imposition

of appropriate sanctions that are different from those provided at any sanction level.

(f) The court shall aggregate the sanction levels from each adjudicated delinquent act to determine the appropriate sanction level.

ARTICLE 3 JUVENILE PROBATION

14-6-301. Definitions.

(a) As used in W.S. 14-6-301 through 14-6-314:

(v) "Probation" means a legal status created by court order following a criminal conviction, an adjudication of delinquency, a status offense or in need of supervision, where a child is permitted to remain in the child's home subject to supervision by a city, county or state probation officer, the department of family services or other qualified private organization the court may designate. A child is subject to return to the court for violation of the terms or conditions of probation provided for in the court order;

(vi) "Probation officer" means a department of family services employee assigned and trained in the performance of probation supervision services pursuant to department rules and regulations, or a local, county, juvenile services board or private agency assigned by a ~~juvenile~~ court to perform probation supervision services;

(vii) "Probationer" means an adjudicated ~~youth~~ minor granted probation by the sentencing juvenile court or a minor convicted of a criminal act by the sentencing court;

(viii) ~~(viii)~~ "Intensive supervision program" means a program established under W.S. 14-6-309 which allows participants to live or work in the community under close supervision methods.

(ix) "Court" means any court that has jurisdiction of a minor, including but not limited to municipal, circuit, district and juvenile.

14-6-302. General powers.

(a) The department of family services shall adopt reasonable rules and regulations necessary to carry out the

provisions of W.S. 14-6-301 through 14-6-314 including policy relating to:

(i) The conduct of predisposition reports, social summaries, multidisciplinary team reviews, case plan development, hearings and interviews;

(ii) Home leave applications and procedures;

(iii) The duties of department probation officers.

(b) The department shall supervise the probation of all minors from any court if requested by the court.

14-6-304. Duties of probation officers.

(a) Under direction and supervision of the director of the department or division administrators, or a local or county government, or juvenile service board ~~the designated department~~ probation officers shall:

(i) Investigate all cases referred by the ~~juvenile court~~, the department or an institution, and report to the court, department or institution in writing;

(ii) Furnish to each person released on probation or home leave under his supervision a written statement of the conditions of the probation or home leave and instruct the ~~youth~~ minor regarding the conditions;

(iii) Supervise the conduct of each ~~youth~~ minor on probation or home leave through personal visits, reports and other appropriate means, and report in writing as often as required by the juvenile court, department or institution;

(iv) Use all practical and suitable methods, not inconsistent with the conditions imposed by the ~~juvenile court~~, department or institution, to aid and encourage a ~~youth~~ minor on probation or home leave to bring about improvement in their conditions and conduct;

(v) Transport securely, with court approval, an adjudicated ~~youth~~ minor to a designated out of home placement.

(b) Under the direction and supervision of the ~~juvenile court~~, a local, county, juvenile service board or private agency

assigned probation supervision services may perform all duties designated in subsection (a) of this section.

14-6-305. Home leave; violation hearing procedures.

(a) If consideration is being given to apprehending, revoking or placing under the supervision of the department a youth-minor who has violated a condition of home leave, the supervising probation officer with the department shall notify the department, the appropriate ~~juvenile~~-court and the institution. A department hearing may be held in accordance with this section within a reasonable time, unless a hearing is knowingly waived by the youth-minor on home leave. The supervising probation officer may request a hearing pursuant to W.S. 14-6-232.

(c) With respect to any hearing pursuant to this section, the youth on home leave:

(i) Shall have reasonable notice in writing of the nature and content of the allegations to be made including notice that the purpose of the hearing is to determine whether there is probable cause to believe that the youth-minor has committed a violation that may lead to a return to the institution or be otherwise placed by the department;

(ii) Shall be permitted to consult with his attorney or the guardian ad litem and any other persons whose assistance the youth reasonably desires, prior to the hearing;

(iii) Shall have the right to confront and examine any person who has made allegations against the youth-minor, unless the hearing officer determines that the confrontation would present a substantial present or subsequent danger of harm to the person;

(iv) May admit, deny or explain the alleged violation and may present proof, including affidavits and other evidence, in support of the youth's-minor's contentions.

(d) If the hearing officer finds that the youth-minor has violated the terms of home leave, the hearing officer may authorize the supervising probation officer to:

(i) Enforce more strict terms and conditions of home leave; or

(ii) Return the ~~youth~~ minor to the institution which granted the home leave.

(e) A record of the proceedings under this section shall be made and preserved either by stenographic means or through the use of a recording device.

14-6-306. Disclosure of information and data.

All information and data obtained in the discharge of official duties by the supervising probation officer is privileged information and shall not be disclosed directly or indirectly to anyone other than to the ~~juvenile~~ court, department of family services, department of education, department of health, other criminal justice agencies as defined by W.S. 7-19-103, or to others entitled to receive reports as ordered by the court, such as multidisciplinary teams.

14-6-307. Selection of other agencies.

(a) In order to further the objectives of W.S. 14-6-301 through 14-6-308, the department or the municipal, circuit, district, or juvenile court may appoint the department, a local, county or private agency which, acting under supervision, may:

ARTICLE 4
CHILDREN IN NEED OF SUPERVISION ACT

14-6-402. Definitions.

(a) As used in this act:

(i) "Adjudication" means a finding by the court or the

(iv) "Child in need of supervision" means any child who has not reached his ~~seventeenth~~ eighteenth (18) birthday who is habitually truant or has run away from home or habitually disobeys reasonable and lawful demands of his parents, guardian, custodian or other proper authority or is ungovernable and beyond control. "Child in need of supervision" includes any minor or child who has not reached his ~~seventeenth~~ eighteenth (18) birthday who has committed a status offense;

14-6-431. Duration of orders of disposition; termination of orders.

(b) Unless sooner terminated by court order, all orders issued under this act shall terminate with respect to a child adjudicated in need of supervision when he reaches ~~seventeen-~~(17)eighteen (18) years of age or graduates from high school which ever is later. ~~if the child is still in the custody of the department upon attaining the age of seventeen (17) years,~~ ~~services may be provided on a case by case basis.~~

14-6-434. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the ~~county treasurer~~state auditor, shall be a charge upon the funds of the ~~county~~state of Wyoming ~~where the proceedings are held and shall be paid by the board of county commissioners of that county~~State Auditor:

- (i) Witness fees and travel expense;
- (ii) Jury fees, costs and travel expense;
- (iii) Costs of service of process or notice by certified mail;
- (iv) Costs of any physical or mental examinations or treatment ordered by the court;
- (v) Reasonable compensation for services and costs of counsel appointed by the court;
- (vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court; and
- (vii) Any other costs of the proceedings which would be assessable as costs in the district court.

14-6-438. Liability for contempt; penalties.

Notwithstanding any other provision of law, the court upon its own motion or upon the motion of the district or county attorney, or guardian ad litem, may find that the child, the

child's parent, parents, or guardian or any other person who willfully violates, or neglects or refuses to obey or perform any order or provision of this act is liable for contempt of court and may be fined not more than five hundred dollars (\$500.00) or incarcerated not more than ~~ninety (90)~~ six (6) ~~days~~ months, or both.

ARTICLE 5
VICTIMS OF DELINQUENT ACTS

14-6-501. Definitions.

(a) As used in this act:

(i) "Delinquent act" means any act defined by W.S. 14-6-201(a)(ix) which constitutes a misdemeanor or a felony;

(ii) "Victim" means an individual who has suffered direct or threatened physical, emotional or financial harm as the result of the commission of a delinquent act or a family member of a victim who is a minor or an incompetent or a surviving family member of a homicide victim and also includes key witnesses as defined in W.S. 1-40-202;

(iii) "This act" means W.S. 14-6-501 through 14-6-509.

CHAPTER 9
COMMUNITY JUVENILE SERVICES BOARDS

14-9-103. Definitions.

(a) As used in this act:

(i) "Account" means the community juvenile services block grant account created by this act;

(ii) "Community board" means a community juvenile services board providing juvenile services under this act and is a criminal justice agency as defined by the Criminal Records Act W.S. 7-19-103.

(iii) "Department" means the department of family services;

(iv) "Juvenile services" means programs or services provided to children at risk of coming under the jurisdiction of the juvenile court. Programs or services may include:

- (A) Needs screening and evaluation;
- (B) Treatment planning and follow-up;
- (C) Case management;
- (D) Family preservation services;
- (E) Mental health treatment;
- (F) Substance abuse treatment;
- (G) Mentor and tracker services;
- (H) Community service and restitution programs;
- (J) Out-of-home placement;
- (K) Remedial education services;
- (M) Pretrial diversion programs and graduated sanctions.

(v) Repealed By Laws 2008, Ch. 57, § 2.

(vi) Repealed By Laws 2008, Ch. 57, § 2.

(vii) ~~(vii)~~ "This act" means W.S. 14-9-101 through 14-9-108.

(viii) Probation services to minors in any court system

14-9-106. Community boards; powers and duties.

- (a) A community board may:
 - (i) Receive funds from any source;
 - (ii) Employ staff using any available funds;
 - (iii) Expend funds to provide directly, or to contract for, juvenile services.

(b) Subject to this act, a community board shall:

(i) Review existing community juvenile services within its jurisdiction;

(ii) Develop a community juvenile services strategic plan and provide for periodic review of the plan;

(iii) Ensure that the community board's system of juvenile services provides for:

(A) Use of a uniform screening instrument;

(B) Assessments of referred children by licensed professionals who may include medical, mental health, social service and educational personnel;

(C) Clear and comprehensive procedures to facilitate referrals of youth and families of youth needing services by:

(I) School districts;

(II) Law enforcement;

(III) Licensed mental health care providers;

(IV) Licensed health care providers;

(V) A court;

(VI) The department of family services;

(VII) Community youth organizations;

(VIII) Families of youth needing services;

(IX) Self-referred youth.

(D) Repealed By Laws 2008, Ch. 57, § 2.

(iv) Ensure that juvenile services funded under this act are established and maintained;

(v) Repealed By Laws 2008, Ch. 57, § 2.

(vi) Supervise minors for any court system.

(c) The community board shall not provide any services to any child without first obtaining written consent from the child's parent or guardian unless participation in the program or service offered by the community board is a condition of court ordered probation or suspension of sentence. A court of limited jurisdiction may authorize the community board to provide services to a child if, after a hearing, the court finds that the child's parent or guardian unreasonably refused to provide written consent for the child to receive services.

14-9-107. Department of family services to administer block grant program; powers and duties.

(a) The department of family services in cooperation with the department of health and education shall ~~administer a fund~~ the community juvenile services block grant program to assist ~~communities to develop and maintain juvenile services in each~~ county.

~~(b) The departments of education, family services and health shall promulgate reasonable rules and regulations necessary to carry out the purposes of this act including rules relating to:~~

~~(i) Grant application procedures;~~

~~(ii) Grant eligibility;~~

~~(iii) Procedures for distributing block grants;~~

~~(iv) Research based strategies;~~

~~(v) Graduated sanctions and intervention levels for all juveniles.~~

14-9-108. Grant eligibility; allocation of funds.

~~(a) To qualify for a grant under this act, an applicant shall:~~

~~(i) Be created as a community board as provided by W.S. 14-9-105;~~

~~(ii) Submit a grant application;~~

~~(iii) Receive certification from the department of family services that the strategic plan developed by the community board addresses the purposes of this act;~~

~~(iv) Develop a system approved by the department for:~~

~~(A) Central intake and assessment of juveniles with an initial point of contact established within the community;~~

~~(B) The development or adoption of criteria for juvenile diversion, short term detention and longer term shelter care services, including standards for assessments, admissions, twenty four (24) hour intakes, predispositional detentions and shelter care standards;~~

~~(C) The development of a continuum of nonsecure services, including early intervention, diversion, community service and other sanctions which may include citations, counseling, parenting education, day treatment and aftercare following twenty four (24) hour placements; and~~

~~(D) The identification of other funding sources for local juvenile services.~~

~~(b) Repealed By Laws 1998, ch. 8, § 2.~~

~~(c) Services for juveniles under this section shall be paid cooperatively by the departments of family services, health and education to the providers of those services.~~

~~(d) Systems approved by the department under this section shall provide for confidential proceedings and records.~~

ARTICLE 11

TERMINATION OF GUARDIANSHIPS AND CONSERVATORSHIPS

3-3-1101. Cause for termination.

(a) A guardianship shall cease, and a conservatorship shall terminate, upon the occurrence of any of the following circumstances:

(i) If upon attaining the age of majority when the ward is a minor who has not been adjudged an incompetent person or a mentally incompetent person;

(ii) The death of the ward, subject to W.S. 3-2-109(a)(iii) and 3-2-201(a)(x);

(iii) A determination by the court that the ward is competent and capable of managing his property and affairs, and that the continuance of the guardianship or conservatorship is not in his best interest by clear and convincing evidence;

(iv) A determination by the court that the guardian or conservator is not acting in the best interest of the ward. In such case, the court shall appoint another guardian or conservator by clear and convincing evidence;

(v) Upon determination by the court that the conservatorship or guardianship is no longer necessary for any other reason by clear and convincing evidence.

3-3-1105. Petition to terminate.

(a) At any time, not less than ~~six (6) months~~ one year after the appointment of a guardian or conservator, the ward may petition the court alleging that he is no longer a proper subject of the guardianship or conservatorship and asking that the guardianship or conservatorship be terminated.

(b) If any petition for termination of guardianship or conservatorship is denied, no other petition for termination may be filed until ~~six (6) months~~ one year have elapsed since the denial of the former petition.

ARTICLE 1
COMPULSORY ATTENDANCE

21-4-101. Definitions.

(a) For the purposes of this article:

(i) "Unexcused absence" means the absence, as defined in the policies of the local board of trustees, of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child;

(ii) "Habitual truant" means any child with five (5) or more unexcused absences in any one (1) school year;

21-4-102. When attendance required; exemptions; withdrawal.

(a) Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose seventh birthday falls on or before September 15 of any year and who has not yet attained his ~~sixteenth~~ eighteenth (18) birthday or graduates from high school ~~or completed the tenth grade~~ shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the entire time that the public schools shall be in session in the district in which the pupil resides; provided, that the board of trustees of each school district may exempt any child from the operation of this article when:

(c) In addition to subsection (a) of this section, the parent, guardian or other person having control or charge of any child under the age of eighteen (18) or who has not graduated from high school whichever is less, who has not otherwise notified the district of enrolling that child in a different school district or in a private school or home-based educational program, shall meet in person with a school district counselor or administrator to provide the school district with written consent to the withdrawal of that child from school attendance.

21-4-105. Penalty for failure of parent, guardian or custodian to comply with article.

Any parent, guardian or custodian of any child to whom this article applies who willfully fails, neglects, or refuses to comply with the provisions of this article shall be guilty of a misdemeanor and shall be punished by ~~a fine of not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00) or by imprisonment in the county jail not more than ten (10) days or by both such fine and imprisonment~~ a fine of not more than \$750.00 or by imprisonment in the county jail not more than 6 months or by both such fine and imprisonment.

21-4-107. Notice to district attorney of habitual truancy; duty of district attorney.

When the board of trustees of any school district shall determine that a child is an habitual truant as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings ~~in the interest of the child under the Juvenile Court Act.~~ in the interest of the child under the Children in Need of Supervision Act if the child is 13 or over and the Child Protection Act if the child is under 13.