



Reporting Abuse and Neglect

By Lisa Bauman-Brown

Child Neglect

- **14-3-202 (a)(ii)(D)(vii) with respect to a child means a failure or refusal by those responsible for the child's welfare to provide adequate care, food, clothing, safe shelter, maintenance, supervision, education, medical care, surgery, or any other care necessary for a child's well-being¹.**

Child Abuse

- inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment, excessive or unreasonable corporal punishment, malnutrition or substantial risk thereof by reason of intentional or unintentional neglect, and the commission or allowing the commission of a sexual offense against a child as defined by law²

Child Sexual Abuse

- means the commission or allowing commission or a sexual offense against the child as defined by law, which includes any sexual contact, sexual intrusion or sexual exploitation of a child by parents, caretakers, siblings, or other adults or children living in the home⁵.

Vulnerable Adult

- Any person eighteen (18) years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability.

Neglect

- The deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, other care and prescribed medication as necessary to maintain a vulnerable adult's life or health, or which may result in a life-threatening situation.

Abuse

- The intentional or reckless infliction, by the vulnerable adult's caregiver, person of trust or authority, professional, family member or other individual of (Adult Protection):
- Injury;
- Unreasonable confinement which threatens the welfare and well being of a vulnerable adult; or
- Cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult; or
- Photographing vulnerable adults for immoral or illegal purposes without the vulnerable adult's written consent;
- Sexual Abuse
- Exploitation
- Intimidation

Exploitation

- The reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship or guardianship of a vulnerable adult, to obtain control through deception, harassment, intimidation or undue influence over the vulnerable adult's money, assets or property with the intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets or property In the absence of legal authority (Adult Protection):
- Employ the services of a third party for the profit or advantage of the person or another person to the detriment of a vulnerable adult;
- Force, coerce or entice a vulnerable adult to perform services for the profit of another against the will of the vulnerable adult.
- Intentionally misuse the principal's property and, in so doing, adversely affect the principal's ability to receive health care or pay bills for basic needs or obligations; or
- Abuse the fiduciary duty under a power of attorney, conservatorship or guardianship

Mandated Reporters

- Mandated- Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made. (14-3-205 (a))

Reports

- 8 am to 5 pm local DFS office
- After hours contact law enforcement
- Reporter's Information (confidential ?)
- DFS wants to know everything you know about the family and the alleged abuse or neglect
- Screened reports
- Prevention vs. Assessment vs. Investigation

Prevention

- help families access available services to prevent possible abuse and/or neglect and prevent problems from escalating to a level where assessment or investigative services are required. When preventive services are deemed appropriate by the Department of Family Services (DFS), they may be provided if the family voluntarily accepts assistance.

Assessment

- Referral(s) shall be assigned to the assessment track when there are allegations of abuse and/or neglect, but the criteria of an investigation is not met, and services to the family could prevent problems from escalating to a level for which an investigation is warranted.

Investigation

- Referrals shall be assigned to the Investigation Track when:
- Criminal charges appear likely;
- Child(ren) appear to be in imminent danger;
- Vulnerable adult is suffering from an acute, untreated medical condition;
- It is likely children or vulnerable adult will need to be removed from their home;
- Fatality;
- Major injury;
- Sexual abuse;
- Abandonment or exploitation of a vulnerable adult

Protective Custody By Law Enforcement For A Child

14-3-405

(a) A child, or any other child residing in the same household, may be taken into custody by a law enforcement officer without a warrant or court order and without the consent of the parents, guardians or others exercising temporary or permanent control over the child when:

(i) There are reasonable grounds to believe a child is abandoned, lost, suffering from illness or injury or seriously endangered by the child's surroundings and immediate custody appears to be necessary for his protection;

(ii) The child's conduct or behavior seriously endangers himself and immediate custody appears necessary; or

(iii) The child is as evidenced by an examination being abused or neglected by a parent, guardian or legal custodian, a member of the parent's, guardian's or legal custodian's household or any other person known to the parent, guardian or legal custodian.

Protective Custody by Medical Personnel For A Child

14-3-206

(d) Any physician, physician's assistant or nurse practitioner examining a child and finding reasonable cause to believe the child is a victim of child abuse or neglect and having reasonable cause to believe that other children residing in the same home may also be a victim of child abuse or neglect shall report to law enforcement the results of the examination and facts supporting reasonable cause with respect to the other child or children. Law enforcement may then bring any other child residing in the same home to a physician, physician's assistant or nurse practitioner for examination. The examination shall take place within twenty-four (24) hours. Any physician, physician's assistant, nurse practitioner or law enforcement officer denied access to a child for the purposes of examination under this subsection may seek an appropriate court order by ex parte proceedings or other appropriate proceedings to provide for the examination. After receiving the timely results of the examination, the examining physician, physician's assistant, nurse practitioner or law enforcement officer shall consider whether temporary protective custody is necessary under W.S. 14-3-405.

Protective Custody by Medical Personnel For A Child

(b) A child may be taken into temporary protective custody by a physician, physician's assistant or nurse practitioner without a warrant or court order and without the consent of the parents, guardians or others exercising temporary or permanent control over the child when the physician, physician's assistant or nurse practitioner treating the child, or a hospital in which the child is being treated, finds that there is reasonable cause to believe an imminent danger to the child's life, health or safety exists unless the child is taken into protective custody, whether or not additional medical treatment is required, and there is not time to apply for a court order.

No Protective Custody of Adults

Vulnerable adults cannot be placed in protective custody. If they are a danger to themselves or others law enforcement shall be contacted and determine if Title 25 applies.

Placement of Children

- 1) Relative/Kinship
- 2) Foster Care

Permanency

- 1) Reunification
- 2) Adoption
- 3) Guardianship
- 4) Other planned living arrangements

Goal for Vulnerable Adults

- Identify services to support the adult living independently
- Identify support system and/or caretaker
- Provide resources to address guardianships and placements of adult if needed

Contact Information

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