

HOUSE BILL NO. HB0119

Department of family services programs.

Sponsored by: Representative(s) Gingery

A BILL

for

1 AN ACT relating to the department of family services;
 2 repealing obsolete provisions related to transportation of
 3 children and payments to facilities; amending the Juvenile
 4 Justice Act and the Children in Need of Supervision Act to
 5 delete references to placement at the Wyoming State
 6 Hospital and Wyoming Life Resource Center; updating
 7 references to the food stamp program with references to the
 8 supplemental nutrition assistance program; and providing
 9 for an effective date.

10

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

12

13 **Section 1.** W.S. 9-2-2018(c)(xi), 14-6-247(a)(ii),
 14 14-6-419(b) through (d), 20-2-303(a)(ii), 20-2-307(d),
 15 20-2-311(a), 27-3-321(a), (b)(intro), (ii) and (iii),
 16 27-3-607(a)(v) and (b), 31-7-401(b)(vii),
 17 39-15-105(a)(ii)(E), 42-2-102(a)(ii) through (iv), (vi) and

1 (vii) (intro), 42-2-103(b) (xiii) and (e) (v), 42-2-109(b),
 2 42-2-112(a) through (g), (k) (i) and (ii) and
 3 42-2-202(a) (intro) and (b) are amended to read:

4

5 **9-2-2018. Department of workforce services created;**
 6 **director appointed; structure.**

7

8 (c) The department reorganization plan shall consider
 9 whether the following functions or programs are assigned
 10 from or to the agency or department specified under a Type
 11 2 transfer:

12 PROGRAM; FROM; TO

13

14 (xi) ~~Food stamp~~ Supplemental nutrition
 15 assistance employment program; Family services; Workforce
 16 services

17

18 **14-6-247. Sanctions common to all levels.**

19

20 (a) For a child at any sanction level, the juvenile
 21 court may:

22

23 (ii) Commit the child to a suitable certified
 24 hospital willing to accept the child, ~~or the Wyoming state~~

1 ~~hospital,~~ for not more than ninety (90) days for treatment
2 for substance abuse or for specialized treatment and
3 rehabilitation programs conducted especially for juveniles;

4

5 **14-6-419. Physical and mental examinations.**

6

7 (b) If a child has been committed to a medical
8 facility or institution for mental examination prior to
9 adjudication of the petition and if it appears to the court
10 from the mental examination that the child is competent to
11 participate in further proceedings and is not mentally ill
12 or intellectually disabled to a degree rendering the child
13 subject to involuntary commitment to ~~the Wyoming state~~
14 ~~hospital or the Wyoming life resource center~~ a residential
15 treatment facility, the court shall order the child
16 returned to the court without delay.

17

18 (c) If it appears to the court by mental examination
19 conducted before adjudication of the petition that a child
20 alleged to be in need of supervision is incompetent to
21 participate in further proceedings by reason of mental
22 illness or intellectual disability to a degree rendering
23 the child subject to involuntary commitment to ~~the Wyoming~~
24 ~~state hospital or the Wyoming life resource center~~ a

1 residential treatment facility, the court shall hold
2 further proceedings under this act in abeyance. The
3 district attorney shall then commence proceedings in the
4 district court for commitment of the child to the
5 appropriate institution as provided by law.

6
7 (d) The juvenile court shall retain jurisdiction of
8 the child on the petition pending final determination of
9 the commitment proceedings in the district court. If
10 proceedings in the district court commit the child to ~~the~~
11 ~~Wyoming state hospital, the Wyoming life resource center or~~
12 ~~any other~~ a facility or institution for treatment and care
13 of people with mental illness or intellectual disability,
14 the petition shall be dismissed and further proceedings
15 under this act terminate. If proceedings in the district
16 court determine the child does not have a mental illness or
17 an intellectual disability to a degree rendering him
18 subject to involuntary commitment, the court shall proceed
19 to a final adjudication of the petition and disposition of
20 the child under the provisions of this act.

21

22 **20-2-303. Definitions.**

23

24 (a) As used in this article:

1

2 (ii) "Income" means any form of payment or
3 return in money or in kind to an individual, regardless of
4 source. Income includes, but is not limited to wages,
5 earnings, salary, commission, compensation as an
6 independent contractor, temporary total disability,
7 permanent partial disability and permanent total disability
8 worker's compensation payments, unemployment compensation,
9 disability, annuity and retirement benefits, and any other
10 payments made by any payor, but shall not include any
11 earnings derived from overtime work unless the court, after
12 considering all overtime earnings derived in the preceding
13 twenty-four (24) month period, determines the overtime
14 earnings can reasonably be expected to continue on a
15 consistent basis. In determining income, all reasonable
16 unreimbursed legitimate business expenses shall be
17 deducted. Means tested sources of income such as Pell
18 grants, aid under the personal opportunities with
19 employment responsibilities (POWER) program, ~~food stamps~~
20 supplemental nutrition assistance program and supplemental
21 security income (SSI) shall not be considered as income.
22 Gross income also means potential income of parents who are
23 voluntarily unemployed or underemployed;

24

1 **20-2-307. Presumptive child support to be followed;**
2 **deviations by court.**

3

4 (d) Agreements regarding child support may be
5 submitted to the court. All such agreements shall be
6 accompanied by a financial affidavit as required by W.S.
7 20-2-308. The court shall use the presumed child support
8 amounts to review the adequacy of child support agreements
9 negotiated by the parties. If the agreed amount departs
10 from the presumed child support, the parties shall furnish
11 statements of explanation which shall be included with the
12 forms and shall be filed with the court. The court shall
13 review the agreement and inform the parties whether or not
14 additional or corrected information is needed, or that the
15 agreement is approved or disapproved. No agreement which
16 is less than the presumed child support amount shall be
17 approved if means tested sources of income such as aid
18 under the personal opportunities with employment
19 responsibilities (POWER) program, health care benefits
20 under Title XIX of the Social Security Act, ~~food-stamps~~
21 supplemental nutrition assistance program, supplemental
22 security income (SSI) or other similar benefits are being
23 paid on behalf of any of the children.

24

1 **20-2-311. Adjustment of child support orders.**

2

3 (a) Any party, or the department of family services
4 in the case of child support orders being enforced by the
5 department, may petition for a review and adjustment of any
6 child support order that was entered more than six (6)
7 months prior to the petition or which has not been adjusted
8 within six (6) months from the date of filing of the
9 petition for review and adjustment. The petition shall
10 allege that, in applying the presumptive child support
11 established by this article, the support amount will change
12 by twenty percent (20%) or more per month from the amount
13 of the existing order. The court shall require the parents
14 to complete a verified financial statement on forms
15 approved by the Wyoming supreme court, and shall apply the
16 presumptive child support set out in this article in
17 conducting the review and adjustment. If, upon applying the
18 presumptive child support to the circumstances of the
19 parents or child at the time of the review, the court finds
20 that the support amount would change by twenty percent
21 (20%) or more per month from the amount of the existing
22 order, the court shall consider there to be a change of
23 circumstances sufficient to justify the modification of the
24 support order. The provisions of this section do not

1 preclude a party or assignee from bringing an action for
2 modification of a support order, based upon a substantial
3 change of circumstances, at any time. Every three (3)
4 years, upon the request of either parent or, if there is a
5 current assignment of support rights in effect, upon the
6 request of the department, the court, with respect to a
7 support order being enforced under this article and taking
8 into account the best interests of the child involved,
9 shall review and, if appropriate, adjust the order in
10 accordance with the guidelines established pursuant to this
11 article. Any adjustment under the three (3) year cycle
12 shall be made without a requirement for a showing of a
13 change in circumstances. The commencement of aid under the
14 personal opportunities with employment responsibilities
15 (POWER) program, medical benefits under Title XIX of the
16 Social Security Act, ~~food stamps~~ supplemental nutrition
17 assistance program and supplemental security income (SSI)
18 shall be considered a substantial change of circumstances
19 requiring modification of child support.

20

21 **27-3-321. Disclosure of supplemental nutrition**
22 **assistance program overissuance required; notification;**
23 **amount withheld; payment; applicability of provisions.**

24

1 (a) An individual filing a new claim for unemployment
2 compensation shall, at the time of filing such claim,
3 disclose whether or not he owes an uncollected overissuance
4 of ~~food stamp coupons~~ supplemental nutrition assistance
5 program benefits as defined in section 13(c)(1) of the ~~Food~~
6 ~~Stamp Act of 1977~~ Food and Nutrition Act of 2008. The
7 department shall notify the department of family services
8 of any individual who discloses that he owes an uncollected
9 overissuance and who is determined to be eligible for
10 unemployment compensation.

11

12 (b) The department shall deduct and withhold from any
13 unemployment compensation payable to an individual who owes
14 an uncollected overissuance of ~~food stamps~~ supplemental
15 nutrition assistance benefits:

16

17 (ii) The amount determined pursuant to an
18 agreement under section 13(c)(3)(A) of the ~~Food Stamp Act~~
19 ~~of 1977~~ Food and Nutrition Act of 2008 and submitted to the
20 department of family services; or

21

22 (iii) Any amount otherwise required to be
23 deducted and withheld from unemployment compensation

1 pursuant to section 13(c)(3)(B) of the ~~Food Stamp Act of~~
2 ~~1977~~ Food and Nutrition Act of 2008, whichever is greater.

3

4 **27-3-607. Cooperation by department with federal,**
5 **state and local agencies; disclosure and submission of**
6 **specified information; limitations.**

7

8 (a) The department shall:

9

10 (v) Upon request, pursuant to contract and on a
11 reimbursable basis, disclose to officers and employees of
12 the United States department of agriculture and any state
13 ~~food stamp~~ supplemental nutrition assistance program agency
14 defined under 7 U.S.C. § 2012(n)(1), any wage information
15 obtained under this act for an identified individual, any
16 record of application for or receipt of benefits and the
17 amount received, his most recent home address and any
18 refusal of an offer of employment and a description of this
19 employment;

20

21 (b) A requesting agency shall agree that information
22 obtained under paragraph (a)(iv) of this section be used
23 only for establishing and collecting child support
24 obligations from and locating individuals owing obligations

1 enforced pursuant to a plan described under 42 U.S.C. §
2 654, and that information obtained under paragraph (a)(v)
3 of this section be used only for determining the
4 applicant's eligibility for benefits or the amount of
5 benefits under the ~~food—stamp—~~supplemental nutrition
6 assistance program. The agency shall also reimburse the
7 department for the cost of furnishing this information.
8 Requirements for confidentiality of information under this
9 act and the penalties for improper disclosure apply to the
10 use of this information by officers and employees of any
11 child support or ~~food—stamp—~~supplemental nutrition
12 assistance program agency and the United States department
13 of agriculture.

14

15 **31-7-401. Ignition interlock licenses; definitions;**
16 **administration and enforcement.**

17

18 (b) The department shall prescribe reasonable rules
19 and regulations for the certification of ignition interlock
20 devices and ignition interlock service providers and for
21 the calibration and maintenance of ignition interlock
22 devices, which calibration and maintenance shall be the
23 responsibility of an ignition interlock service provider.
24 In addition to other matters necessary for the

1 administration of this article, the rules and regulations
2 shall:

3
4 (vii) Establish procedures under which indigent
5 persons who are required to operate only vehicles equipped
6 with an ignition interlock device may have one-half (1/2)
7 the costs of obtaining and using such device paid from
8 funds made available by the state. A person shall be
9 considered indigent if they are able to produce evidence
10 that they are eligible and qualified to participate in the
11 federal ~~food stamp~~ supplemental nutrition assistance
12 program.

13

14 **39-15-105. Exemptions.**

15

16 (a) The following sales or leases are exempt from the
17 excise tax imposed by this article:

18

19 (ii) For the purpose of exempting sales of
20 services and tangible personal property protected by
21 federal law, the following are exempt:

22

23 (E) To comply with the ~~Food Security Act of~~
24 1985—Food and Nutrition Act of 2008, sales of food

1 purchased with ~~food stamps~~ supplemental nutrition
2 assistance benefits.

3

4 **42-2-102. Definitions.**

5

6 (a) Except as otherwise specifically provided, as
7 used in this article:

8

9 (ii) "Coupon" means any coupon, stamp or other
10 type of certificate provided for the purchase of eligible
11 food as defined by the ~~food stamp~~ supplemental nutrition
12 assistance program;

13

14 (iii) "Electronic benefit transfer" means a
15 system for the ~~food stamp~~ supplemental nutrition assistance
16 program as an alternative to issuing ~~food stamp coupons~~ a
17 supplemental nutrition assistance program card. An
18 electronic benefit transfer system is a computer-based
19 system in which the benefit authorization is received
20 through a point of sale terminal. Eligible households
21 utilize plastic cards in lieu of ~~food stamp~~ supplemental
22 nutrition assistance program coupons to purchase food items
23 at authorized food retailers. This type of benefit may also
24 be used to issue other types of public welfare benefits;

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(iv) "~~Food stamp~~ Supplemental nutrition assistance program benefit" means assistance provided by the ~~food stamp~~ supplemental nutrition assistance program to eligible households in the form of coupons, electronic benefit transfers or cash that are redeemable at federally approved food retailers;

(vi) "Public assistance" means financial assistance in the form of a performance payment, vendor payment, ~~food stamps~~ supplemental nutrition assistance program benefits or a payment under the minimum medical program;

(vii) "Public welfare benefit" means financial assistance provided to eligible persons in the form of a performance payment, vendor payment, ~~food stamp coupon~~ supplemental nutrition assistance program benefit, electronic benefit transfer or cash. These benefits may be received from several state or federal welfare programs including:

1 **42-2-103. Provision of assistance and services;**
2 **duties of department; burial assistance; state supplemental**
3 **security income program.**

4
5 (b) In carrying out subsection (a) of this section
6 and except as provided under the Wyoming Medical Assistance
7 and Services Act, the department shall:

8
9 (xiii) Exempt individuals domiciled in Wyoming
10 from the application of section 115, subsection (a) of P.L.
11 104-193 allowing payment of benefits under the personal
12 opportunities with employment responsibilities program
13 (POWER) and the ~~food stamp~~ supplemental nutrition
14 assistance program;

15
16 (e) In administering this section and in addition to
17 other requirements imposed under this chapter and the
18 Wyoming Medical Assistance and Services Act and federal
19 rule and regulation, the department shall by rule and
20 regulation:

21
22 (v) In accordance with guidelines and criteria
23 prescribed by rule and regulation of the department and
24 unless otherwise qualifying for a good cause exemption

1 pursuant to rule and regulation of the department, require
2 the development of and adherence to a self-sufficiency plan
3 with guidelines and assistance provided by the department,
4 as a condition for benefit eligibility under the personal
5 opportunities with employment responsibilities (POWER)
6 program. A self sufficiency plan including timely
7 completion of an approved educational program complying
8 with W.S. 42-2-109(a) shall be deemed to meet the
9 requirements of this subsection if adhered to. Any person
10 not qualifying for a good cause exemption and failing to
11 comply with this paragraph shall be sanctioned, to include
12 disqualification under the personal opportunities with
13 employment responsibilities (POWER) program and be
14 disqualified from receiving benefits under the ~~food stamp~~
15 supplemental nutrition assistance and medical assistance
16 programs. The sanction shall be established at a level
17 which would continue to assure children in a noncompliance
18 household would be eligible for ~~food stamps~~ supplemental
19 nutrition assistance program benefits and Medicaid. Subject
20 to procedure prescribed by department regulation, any
21 recipient may at any time request a good cause exemption
22 from the requirements of this section;

23

1 **42-2-109. Review of assistance and services;**
2 **termination or modification; notice to department of change**
3 **in resources.**

4
5 (b) Upon gaining possession of any property, income
6 or other resources after receiving any public assistance
7 and social services under this article, a recipient shall
8 immediately notify the department as he becomes aware of
9 the change in circumstances. The amount of public
10 assistance and social services provided to the recipient
11 shall be accordingly terminated or modified pursuant to
12 rule and regulation of the department. The department shall
13 allow the exclusion of one (1) duly registered and licensed
14 motor vehicle from personal resources in determining
15 eligibility for any household under the personal
16 opportunities with employment responsibilities (POWER) and
17 ~~food stamp~~ supplemental nutrition assistance programs.
18 Married couples shall be allowed a second duly registered
19 and licensed motor vehicle.

20
21 **42-2-112. Misrepresentation; penalties; recovery,**
22 **termination or modification of assistance and services.**

23

1 (a) No person shall knowingly make a false statement
2 or misrepresentation, fail to disclose a material fact,
3 aid, abet or conspire with any other person in obtaining
4 any form of ~~food stamp~~ supplemental nutrition assistance
5 benefit under the ~~food stamp~~ supplemental nutrition
6 assistance program.

7

8 (b) No person shall knowingly make a false statement
9 or misrepresentation, fail to disclose a material fact,
10 aid, abet or conspire with any other person in obtaining
11 any commodity under the ~~food stamp~~ supplemental nutrition
12 assistance program.

13

14 (c) No person shall knowingly trade or otherwise
15 dispose of any ~~food stamp~~ supplemental nutrition assistance
16 benefit received under the ~~food stamp~~ supplemental
17 nutrition assistance program, except to a federally
18 authorized food retailer.

19

20 (d) No person shall knowingly sell any form of ~~food~~
21 ~~stamp~~ supplemental nutrition assistance benefit to any
22 other person.

23

1 (e) No person shall knowingly give, sell, trade or
2 otherwise dispose of any commodity obtained under the ~~food~~
3 ~~stamp~~ supplemental nutrition assistance program to any
4 other person.

5

6 (f) No person shall knowingly buy, trade or otherwise
7 obtain any form of ~~food stamp~~ supplemental nutrition
8 assistance benefit from any other person, except as
9 authorized by law.

10

11 (g) No person shall knowingly buy, trade or otherwise
12 obtain any commodity under the ~~food stamp~~ supplemental
13 nutrition assistance program from any other person, except
14 as authorized by law.

15

16 (k) Any person violating this section is guilty of:

17

18 (i) A felony punishable by imprisonment for not
19 more than ten (10) years, a fine of not more than ten
20 thousand dollars (\$10,000.00), or both, if the value of the
21 commodity, ~~food stamp~~ supplemental nutrition assistance
22 benefit or other public welfare benefit under this article
23 is five hundred dollars (\$500.00) or more; or

24

1 (ii) A misdemeanor punishable by imprisonment
2 for not more than six (6) months, a fine of not more than
3 seven hundred fifty dollars (\$750.00), or both, if the
4 value of the commodity, ~~food stamp~~ supplemental nutrition
5 assistance benefit or other public welfare benefit under
6 this article is less than five hundred dollars (\$500.00).

7

8 **42-2-202. Participation required; exemptions;**
9 **disqualification of benefits.**

10

11 (a) If available within the county of his residence,
12 any person receiving benefits from the department under the
13 ~~food stamp~~ supplemental nutrition assistance or personal
14 opportunities with employment responsibilities (POWER)
15 programs shall as a condition of receiving any benefits,
16 participate in the employment and training program unless
17 he:

18

19 (b) Any person not exempt under this section and
20 failing to participate in the program as required under
21 this article may be disqualified from receiving benefits
22 under the ~~food stamp~~ supplemental nutrition assistance or
23 personal opportunities with employment responsibilities

1 (POWER) programs. A good cause exemption may be requested
2 at any time by a benefit recipient.

3

4 **Section 2.** W.S. 14-4-101(a)(vi)(H), 14-4-114,
5 14-6-304(a)(v) and 14-6-305 are repealed.

6

7 **Section 3.** This act is effective July 1, 2013.

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9

(END)