

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, the Children in Need of Supervision Act and
5 Wyoming boys' school statutes to delete references to
6 placement at the Wyoming State Hospital and Wyoming Life
7 Resource Center; updating references to the food stamp
8 program with references to the supplemental nutrition
9 assistance program (SNAP); and providing for an effective
10 date.

11

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

13

14 **Section 1.** W.S. 9-2-2018(c)(xi), 14-6-247(a)(ii),
15 14-6-419(b) through (d), 20-2-303(a)(ii), 20-2-307(d),
16 20-2-311(a), 25-3-104(a), 27-3-321(a), (b)(intro), (ii) and
17 (iii), 27-3-607(a)(v) and (b), 31-7-401(b)(vii),

1 39-15-105(a)(ii)(E), 42-2-102(a)(ii) through (iv), (vi) and
 2 (vii)(intro), 42-2-103(b)(xiii) and (e)(v), 42-2-109(b),
 3 42-2-112(a) through (g), (k)(i) and (ii) and
 4 42-2-202(a)(intro) and (b) are amended to read:

5

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

8

9 (c) The department reorganization plan shall consider
 10 whether the following functions or programs are assigned
 11 from or to the agency or department specified under a Type
 12 2 transfer:

13 PROGRAM; FROM; TO

14

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

18

19 **14-6-247. Sanctions common to all levels.**

20

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

23

1 (ii) Commit the child to a suitable certified
2 hospital willing to accept the child, ~~or the Wyoming state~~
3 ~~hospital,~~ for not more than ninety (90) days for treatment
4 for substance abuse or for specialized treatment and
5 rehabilitation programs conducted especially for juveniles;

6

7 **14-6-419. Physical and mental examinations.**

8

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

19

20 (c) If it appears to the court by mental examination
21 conducted before adjudication of the petition that a child
22 alleged to be in need of supervision is incompetent to
23 participate in further proceedings by reason of mental
24 illness or intellectual disability to a degree rendering

1 the child subject to involuntary commitment to ~~the Wyoming~~
2 ~~state hospital or the Wyoming life resource center~~ a
3 residential treatment facility, the court shall hold
4 further proceedings under this act in abeyance. The
5 district attorney shall then commence proceedings in the
6 district court for commitment of the child to the
7 appropriate institution as provided by law.

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

23

24 **20-2-303. Definitions.**

1

2 (a) As used in this article:

3

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

1 Gross income also means potential income of parents who are
2 voluntarily unemployed or underemployed;

3

4 **20-2-307. Presumptive child support to be followed;**
5 **deviations by court.**

6

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

1 security income (SSI) or other similar benefits are being
2 paid on behalf of any of the children.

3

4 **20-2-311. Adjustment of child support orders.**

5

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

1 order, the court shall consider there to be a change of
2 circumstances sufficient to justify the modification of the
3 support order. The provisions of this section do not
4 preclude a party or assignee from bringing an action for
5 modification of a support order, based upon a substantial
6 change of circumstances, at any time. Every three (3)
7 years, upon the request of either parent or, if there is a
8 current assignment of support rights in effect, upon the
9 request of the department, the court, with respect to a
10 support order being enforced under this article and taking
11 into account the best interests of the child involved,
12 shall review and, if appropriate, adjust the order in
13 accordance with the guidelines established pursuant to this
14 article. Any adjustment under the three (3) year cycle
15 shall be made without a requirement for a showing of a
16 change in circumstances. The commencement of aid under the
17 personal opportunities with employment responsibilities
18 (POWER) program, medical benefits under Title XIX of the
19 Social Security Act, ~~food stamps~~ supplemental nutrition
20 assistance program and supplemental security income (SSI)
21 shall be considered a substantial change of circumstances
22 requiring modification of child support.

23

1 **25-3-104. Transfer of residents to state hospital;**
2 **rules and regulations governing residents.**

3

4 (a) The department of family services may, with the
5 approval of the department of health, transfer any resident
6 who becomes mentally incompetent to ~~the Wyoming state~~
7 ~~hospital~~ any appropriate acute placement facility based on
8 a psychiatric evaluation.

9

10 **27-3-321. Disclosure of supplemental nutrition**
11 **assistance program overissuance required; notification;**
12 **amount withheld; payment; applicability of provisions.**

13

14 (a) An individual filing a new claim for unemployment
15 compensation shall, at the time of filing such claim,
16 disclose whether or not he owes an uncollected overissuance
17 of ~~food stamp coupons~~ supplemental nutrition assistance
18 program benefits as defined in section 13(c)(1) of the ~~Food~~
19 ~~Stamp Act of 1977~~ Food and Nutrition Act of 2008. The
20 department shall notify the department of family services
21 of any individual who discloses that he owes an uncollected
22 overissuance and who is determined to be eligible for
23 unemployment compensation.

24

1 (b) The department shall deduct and withhold from any
2 unemployment compensation payable to an individual who owes
3 an uncollected overissuance of ~~food stamps~~ supplemental
4 nutrition assistance benefits:

5
6 (ii) The amount determined pursuant to an
7 agreement under section 13(c)(3)(A) of the ~~Food Stamp Act~~
8 ~~of 1977~~ Food and Nutrition Act of 2008 and submitted to the
9 department of family services; or

10
11 (iii) Any amount otherwise required to be
12 deducted and withheld from unemployment compensation
13 pursuant to section 13(c)(3)(B) of the ~~Food Stamp Act of~~
14 ~~1977~~ Food and Nutrition Act of 2008, whichever is greater.

15
16 **27-3-607. Cooperation by department with federal,**
17 **state and local agencies; disclosure and submission of**
18 **specified information; limitations.**

19
20 (a) The department shall:

21
22 (v) Upon request, pursuant to contract and on a
23 reimbursable basis, disclose to officers and employees of
24 the United States department of agriculture and any state

1 ~~food stamp~~ supplemental nutrition assistance program agency
2 defined under 7 U.S.C. § 2012(n)(1), any wage information
3 obtained under this act for an identified individual, any
4 record of application for or receipt of benefits and the
5 amount received, his most recent home address and any
6 refusal of an offer of employment and a description of this
7 employment;

8
9 (b) A requesting agency shall agree that information
10 obtained under paragraph (a)(iv) of this section be used
11 only for establishing and collecting child support
12 obligations from and locating individuals owing obligations
13 enforced pursuant to a plan described under 42 U.S.C. §
14 654, and that information obtained under paragraph (a)(v)
15 of this section be used only for determining the
16 applicant's eligibility for benefits or the amount of
17 benefits under the ~~food stamp~~ supplemental nutrition
18 assistance program. The agency shall also reimburse the
19 department for the cost of furnishing this information.
20 Requirements for confidentiality of information under this
21 act and the penalties for improper disclosure apply to the
22 use of this information by officers and employees of any
23 child support or ~~food stamp~~ supplemental nutrition

1 assistance program agency and the United States department
2 of agriculture.

3

4 **31-7-401. Ignition interlock licenses; definitions;**
5 **administration and enforcement.**

6

7 (b) The department shall prescribe reasonable rules
8 and regulations for the certification of ignition interlock
9 devices and ignition interlock service providers and for
10 the calibration and maintenance of ignition interlock
11 devices, which calibration and maintenance shall be the
12 responsibility of an ignition interlock service provider.
13 In addition to other matters necessary for the
14 administration of this article, the rules and regulations
15 shall:

16

17 (vii) Establish procedures under which indigent
18 persons who are required to operate only vehicles equipped
19 with an ignition interlock device may have one-half (1/2)
20 the costs of obtaining and using such device paid from
21 funds made available by the state. A person shall be
22 considered indigent if they are able to produce evidence
23 that they are eligible and qualified to participate in the

1 federal ~~food stamp~~ supplemental nutrition assistance
2 program.

3

4 **39-15-105. Exemptions.**

5

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

8

9 (ii) For the purpose of exempting sales of
10 services and tangible personal property protected by
11 federal law, the following are exempt:

12

13 (E) To comply with the ~~Food Security Act of~~
14 ~~1985~~ Food and Nutrition Act of 2008, sales of food
15 purchased with ~~food stamps~~ supplemental nutrition
16 assistance benefits.

17

18 **42-2-102. Definitions.**

19

20 (a) Except as otherwise specifically provided, as
21 used in this article:

22

23 (ii) "Coupon" means any coupon, stamp or other
24 type of certificate provided for the purchase of eligible

1 food as defined by the ~~food stamp~~ supplemental nutrition
2 assistance program;

3

4 (iii) "Electronic benefit transfer" means a
5 system for the ~~food stamp~~ supplemental nutrition assistance
6 program as an alternative to issuing ~~food stamp coupons~~ a
7 supplemental nutrition assistance program card. An
8 electronic benefit transfer system is a computer-based
9 system in which the benefit authorization is received
10 through a point of sale terminal. Eligible households
11 utilize plastic cards in lieu of ~~food stamp~~ supplemental
12 nutrition assistance program coupons to purchase food items
13 at authorized food retailers. This type of benefit may also
14 be used to issue other types of public welfare benefits;

15

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

22

23 (vi) "Public assistance" means financial
24 assistance in the form of a performance payment, vendor

1 payment, ~~food stamps~~ supplemental nutrition assistance
2 program benefits or a payment under the minimum medical
3 program;

4
5 (vii) "Public welfare benefit" means financial
6 assistance provided to eligible persons in the form of a
7 performance payment, vendor payment, ~~food stamp coupon~~
8 supplemental nutrition assistance program benefit,
9 electronic benefit transfer or cash. These benefits may be
10 received from several state or federal welfare programs
11 including:

12
13 **42-2-103. Provision of assistance and services;**
14 **duties of department; burial assistance; state supplemental**
15 **security income program.**

16
17 (b) In carrying out subsection (a) of this section
18 and except as provided under the Wyoming Medical Assistance
19 and Services Act, the department shall:

20
21 (xiii) Exempt individuals domiciled in Wyoming
22 from the application of section 115, subsection (a) of P.L.
23 104-193 allowing payment of benefits under the personal
24 opportunities with employment responsibilities program

1 (POWER) and the ~~food stamp~~ supplemental nutrition
2 assistance program;

3

4 (e) In administering this section and in addition to
5 other requirements imposed under this chapter and the
6 Wyoming Medical Assistance and Services Act and federal
7 rule and regulation, the department shall by rule and
8 regulation:

9

10 (v) In accordance with guidelines and criteria
11 prescribed by rule and regulation of the department and
12 unless otherwise qualifying for a good cause exemption
13 pursuant to rule and regulation of the department, require
14 the development of and adherence to a self-sufficiency plan
15 with guidelines and assistance provided by the department,
16 as a condition for benefit eligibility under the personal
17 opportunities with employment responsibilities (POWER)
18 program. A self sufficiency plan including timely
19 completion of an approved educational program complying
20 with W.S. 42-2-109(a) shall be deemed to meet the
21 requirements of this subsection if adhered to. Any person
22 not qualifying for a good cause exemption and failing to
23 comply with this paragraph shall be sanctioned, to include
24 disqualification under the personal opportunities with

1 employment responsibilities (POWER) program and be
2 disqualified from receiving benefits under the ~~food stamp~~
3 supplemental nutrition assistance and medical assistance
4 programs. The sanction shall be established at a level
5 which would continue to assure children in a noncompliance
6 household would be eligible for ~~food stamps~~ supplemental
7 nutrition assistance program benefits and Medicaid. Subject
8 to procedure prescribed by department regulation, any
9 recipient may at any time request a good cause exemption
10 from the requirements of this section;

11

12 **42-2-109. Review of assistance and services;**
13 **termination or modification; notice to department of change**
14 **in resources.**

15

16 (b) Upon gaining possession of any property, income
17 or other resources after receiving any public assistance
18 and social services under this article, a recipient shall
19 immediately notify the department as he becomes aware of
20 the change in circumstances. The amount of public
21 assistance and social services provided to the recipient
22 shall be accordingly terminated or modified pursuant to
23 rule and regulation of the department. The department shall
24 allow the exclusion of one (1) duly registered and licensed

1 motor vehicle from personal resources in determining
2 eligibility for any household under the personal
3 opportunities with employment responsibilities (POWER) and
4 ~~food stamp~~ supplemental nutrition assistance programs.
5 Married couples shall be allowed a second duly registered
6 and licensed motor vehicle.

7

8 **42-2-112. Misrepresentation; penalties; recovery,**
9 **termination or modification of assistance and services.**

10

11 (a) No person shall knowingly make a false statement
12 or misrepresentation, fail to disclose a material fact,
13 aid, abet or conspire with any other person in obtaining
14 any form of ~~food stamp~~ supplemental nutrition assistance
15 benefit under the ~~food stamp~~ supplemental nutrition
16 assistance program.

17

18 (b) No person shall knowingly make a false statement
19 or misrepresentation, fail to disclose a material fact,
20 aid, abet or conspire with any other person in obtaining
21 any commodity under the ~~food stamp~~ supplemental nutrition
22 assistance program.

23

1 (c) No person shall knowingly trade or otherwise
2 dispose of any ~~food stamp~~ supplemental nutrition assistance
3 benefit received under the ~~food stamp~~ supplemental
4 nutrition assistance program, except to a federally
5 authorized food retailer.

6

7 (d) No person shall knowingly sell any form of ~~food~~
8 ~~stamp~~ supplemental nutrition assistance benefit to any
9 other person.

10

11 (e) No person shall knowingly give, sell, trade or
12 otherwise dispose of any commodity obtained under the ~~food~~
13 ~~stamp~~ supplemental nutrition assistance program to any
14 other person.

15

16 (f) No person shall knowingly buy, trade or otherwise
17 obtain any form of ~~food stamp~~ supplemental nutrition
18 assistance benefit from any other person, except as
19 authorized by law.

20

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

1

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

3

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

10

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

17

18 **42-2-202. Participation required; exemptions;**
19 **disqualification of benefits.**

20

21 (a) If available within the county of his residence,
22 any person receiving benefits from the department under the
23 ~~food stamp~~ supplemental nutrition assistance or personal
24 opportunities with employment responsibilities (POWER)

1 programs shall as a condition of receiving any benefits,
2 participate in the employment and training program unless
3 he:

4
5 (b) Any person not exempt under this section and
6 failing to participate in the program as required under
7 this article may be disqualified from receiving benefits
8 under the ~~food stamp~~ supplemental nutrition assistance or
9 personal opportunities with employment responsibilities
10 (POWER) programs. A good cause exemption may be requested
11 at any time by a benefit recipient.

12

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

15

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

17

18 (END)