

ENROLLED ACT NO. 47, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2011 GENERAL SESSION

AN ACT relating to adult protective services; amending and creating definitions; specifying that the department of family services shall not act as a caregiver as specified; requiring the department to pay specified costs; clarifying circumstances under which the department shall not be required to pay costs; amending services the department may be ordered by a court to provide; waiving a notification requirement as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-20-102(a)(ii)(intro), (C), (D), by creating new subparagraphs (E) through (G), (iv)(intro), (viii), (ix)(A), by creating new subparagraphs (C) and (D), (xii), by creating new paragraphs (xxi) and (xxii) and by renumbering (xxi) as (xxiii), 35-20-105(a), (c)(intro) and (i), 35-20-106(c)(ii) and 35-20-107(d) are amended to read:

**35-20-102. Definitions.**

(a) As used in this act:

(ii) "Abuse" means the intentional or reckless infliction, by the vulnerable adult's caregiver, person of trust or authority, professional, family member or other individual of:

(C) Cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult;  
~~or~~

(D) Photographing vulnerable adults in violation of W.S. 6-4-304(b) ~~;~~

ORIGINAL SENATE  
FILE NO. 0089

ENROLLED ACT NO. 47, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2011 GENERAL SESSION

(E) Sexual abuse;

(F) Intimidation; or

(G) Exploitation.

(iv) "Caregiver" means any person or ~~agency in-~~  
home service provider responsible for the care of a  
vulnerable adult because of:

(viii) "Emergency services" means those  
services, ~~including physical care and custody in a  
nonrestrictive environment, necessary to maintain the  
vulnerable adult's vital functions and without which  
services the vulnerable adult would suffer irreparable harm  
or death~~ that may be provided to assist vulnerable adults  
to prevent or terminate abuse, neglect, exploitation,  
intimidation or abandonment until the emergency has been  
resolved;

(ix) "Exploitation" means 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:

(A) 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; ~~or~~

(C) 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

ORIGINAL SENATE  
FILE NO. 0089

ENROLLED ACT NO. 47, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2011 GENERAL SESSION

(D) Abuse the fiduciary duty under a power of attorney, conservatorship or guardianship.

(xii) "Protective services" means those emergency services that are provided in a coordinated effort facilitated by the department within communities to assist vulnerable adults to prevent or terminate abuse, neglect, exploitation, intimidation or abandonment until the vulnerable adult no longer needs those services. These services may include social casework, case management, ~~home care~~ emergency, short term in-home services such as homemaker, personal care or chore services, day care, social services, ~~health care~~, psychiatric or health evaluations and other emergency services consistent with this act;

(xxi) "Advanced age" means a person who is sixty (60) years of age or older;

(xxii) "Sexual abuse" means sexual contact including, but not limited to, unwanted touching, all types of sexual assault or battery as defined in W.S. 6-2-302 through 6-2-304, sexual exploitation and sexual photographing;

~~(xxi)~~ (xxiii) "This act" means W.S. 35-20-101 through 35-20-116.

**35-20-105. Protective services; no services without consent; responsibility for costs.**

(a) The department may furnish protective services in response to a request for assistance from the vulnerable adult, his caregiver, conservator, guardian, guardian ad

ORIGINAL SENATE  
FILE NO. 0089

ENROLLED ACT NO. 47, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2011 GENERAL SESSION

litem or agent, or a family member. The department shall not serve as a caregiver.

(c) Costs incurred to furnish protective services, including but not limited to fees for the services of a guardian ad litem, guardian or conservator, ~~shall~~may be paid by the department unless:

(i) The vulnerable adult is eligible for protective services from another governmental agency or any other source, taking into consideration any personal assets or financial resources and services that can be provided under Medicaid or any other available indigency program for which the vulnerable adult may qualify; or

**35-20-106. Petition by department when caregiver refuses to allow services; injunction.**

(c) If the court finds the allegations of the petition to be true by a preponderance of the evidence, it may:

(ii) Order the department to assist in facilitating the coordination of community resources, including service providers, churches and individuals or agencies to provide ~~the~~ protective services to the extent those protective services are available.

**35-20-107. Emergency services.**

(d) The vulnerable adult may be placed by the court in a hospital or other suitable facility which is appropriate under the circumstances. The person, hospital or ~~agency~~facility in whose care the vulnerable adult is placed shall immediately notify the person responsible for the care and custody of the vulnerable adult, if known, of

ORIGINAL SENATE  
FILE NO. 0089

ENROLLED ACT NO. 47, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2011 GENERAL SESSION

the placement. Notification shall not be required if the alleged perpetrator is the person responsible for the care and custody of the vulnerable adult unless the court orders the notification.

**Section 2.** This act is effective July 1, 2011.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk