

Wyoming State Reporting Laws

**THE PURPOSE OF THIS GUIDE IS TO PROVIDE GENERAL INFORMATION ONLY.
IT IS NOT INTENDED AS LEGAL ADVICE OR TO APPLY TO ANY PARTICULAR SITUATION.**

TITLE X

Background:

In 1970, Congress added Title X to the Public Health Services Act to make family planning and reproductive health services available to individuals who need them, with priority given to low-income individuals.

Providing family planning services:

All clients, including adolescents, who are seeking Title X services may consent to their own care, and these services must be provided to them on a voluntary and confidential basis.

Confidentiality and state law requirements for reporting abuse and neglect:

Although Title X providers are legally required to maintain confidentiality of all clients, including adolescents, they are not exempt from state laws that require the reporting of “child abuse, child molestation, sexual abuse, rape, or incest.” This reporting obligation creates a limited exception for the duty to maintain client confidentiality.

Please refer to the Supporting Statutes, which are attached.

DUTY TO REPORT

In public health clinics:

Applies to child abuse only, ALL PERSONS who know or have reasonable cause to believe or suspect that a child has been abused or neglected, or observes any child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, must immediately notify their supervisor or designee who is to then to make an oral or written report immediately to law enforcement, or to the child protective agency of the county where the child resided.

No duty to report any other type of suspected crime.

AGE OF “CONSENT”

Age of Consent

- Sexual contact with a child is illegal when:
 - the child is under age 16, and
 - there is *sexual intrusion*, and
 - the contact is with an adult who is at least 4 years or older than the child, or,
 - the child is under 14, and
 - the sexual contact is with an adult

- ❑ without inflicting sexual intrusion
- ❑ without causing serious bodily harm

WHO ARE REPORTS MADE TO?

Supervisor or designee, who is then to make a report to law enforcement or to the child protective agency of the county where the child resides.

PROCEDURE FOR MAKING A REPORT

Immediate oral or written report to above agencies.

CAN A REPORTER BE HELD LIABLE IF IT TURNS OUT THAT HER/HIS SUSPICIONS WERE WRONG?

All those required to report who do so in good faith are protected from penalties if suspicions are unfounded. Any person who intentionally makes a false report could be civilly liable.

CONSEQUENCES OF FAILURE TO REPORT

Penalties for failure to make a report is a misdemeanor.

VICTIMS SERVICES AGENCIES

Each clinic should contact their local District Attorney's Office or Sheriff's Department for Victims Service contact information, as it is not a state service, but a town/city or community service.

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Supporting Statutes

Sexual contact §6-2-301(a)(vi) –

- Touching of the *victim's (person alleging to have been subject to sexual assault)* intimate parts, or the clothing covering the victim's intimate parts, by the *actor (the person accused of criminal assault)*, or
- Touching of the actor's intimate parts by the victim, or clothing covering the immediate area of the actor's intimate parts,
- With the intention of sexual arousal, gratification or abuse.

Sexual intrusion §6-2-301(a)(vii) –

- Any intrusion, however slight, that can be reasonably construed as being for the purposes of sexual arousal, gratification or abuse, by
 - Any object or any part of a person's body, except the mouth, tongue or penis,
 - Into the genital or anal opening of another person's body.

Sexual assault §6-2-302 through 304 – Any actor who inflicts *sexual intrusion* on a victim when:

- The actor causes submission of the victim by
 - Physical force or forcible confinement;
 - The threat of death, serious bodily injury, extreme physical pain or kidnapping to be inflicted on anyone, and
 - the victim believes that the actor has the ability to execute the threats
 - Threatening to *retaliate (includes threats of kidnapping, death, serious bodily injury or extreme physical pain)* in the future against the victim or victim's spouse, parents, siblings or children, and
 - The victim reasonably believes the actor can execute the threat
 - Any means that would prevent resistance by a victim of ordinary resolution.
- The victim is physically helpless, and
 - The actor knows or should know that the victim is physically helpless, and
 - The victim has not consented.
- The actor knows or should know that the victim is incapable of appraising the nature of the victim's conduct through
 - A mental illness
 - A mental deficiency, or
 - A developmental disability.
- The actor administers, or knows that someone else administered to the victim
 - Without prior knowledge or consent of the victim,
 - Any substance which substantially impairs the victim's power to appraise or control his/her conduct.
- The actor knows or should reasonably know that the victim submits erroneously believing the actor to be the victim's spouse.
- The victim is less than 12 years old and the actor is at least 4 years older than the victim;
- The actor is in a *position of authority (parent, guardian, relative, household member, teacher, employer, custodian or any other person who is able to exercise significant influence of a person)* over the victim and uses this position to cause the victim to submit;
- The actor inflicts *sexual intrusion* in treatment or examination of a victim for purposes or in a manner substantially inconsistent with reasonable medical practices.
- The actor is at least 4 years older than the victim and inflicts *sexual intrusion* on a victim under 16 years of age.

- The actor is an *adult (over 18 years old)* and the victim is under 14 years old, and the actor subjects the victim to *sexual contact*
 - not consisting of *sexual intrusion*, and
 - without causing serious bodily injury.

Incest §6-4-402 A person is guilty of incest if s/he knowingly commits

- sexual intrusion or sexual contact with
 - An ancestor or descendant, or
 - A brother or sister of the whole or half blood
 - Include relationships of:
 - Parent and child by adoption;
 - Blood relationships without regard to legitimacy; and
 - Stepparent and stepchild.

Age of majority §14-1-101 – The age of majority is 18.

Abuse with respect to a child (under age 18) §14-3-202 –

- 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 accident, including
 - Abandonment
 - Excessive or unreasonable corporal punishment
 - Malnutrition or substantial risk of malnutrition
 - Causing a sexual injury (as defined above).