

Summary of Key Proposed Changes to Title 14 of the Wyoming Code

Over the past year, a group concerned about juvenile justice in Wyoming has been working to draft proposed changes to the Wyoming Juvenile Justice Act. The group developed a draft of a revamped code that embraces much of the language of the existing Act, but also proposes statutory changes to adopt the best juvenile justice laws and practices nationwide.

The proposed changes to the Act seek to accomplish four major reforms. First, and foremost, the draft revisions would establish exclusive original jurisdiction in a juvenile court for all juvenile offenses. Whether at the circuit or district court level, all juvenile court judges and commissioners would be required to be qualified and trained in adolescent behavior and juvenile law. The goal is to create a more unified juvenile justice system in Wyoming, one that promotes age-appropriate treatment and rehabilitation for youth, or diversion from court process altogether based on a child's needs, instead of punishment through the adult court process.

Secondly, the Multidisciplinary Team (MDT) process in the proposed draft is modified to limit when the process must be used. Under the proposed changes, the MDT requirement must be met only when out-of-home placement is considered and only with certain youth who commit specified types of offenses.

Third, new provisions promoting diversion through the use of graduated responses to insure that incarceration is used as a last resort are proposed.

And finally, a system of statewide data collection would be established to inform future juvenile justice policy and to help ensure that the state is using resources effectively to divert youth from future criminal activity.

1. Original Jurisdiction in a Juvenile Court

The most significant proposed revision -- creating original jurisdiction in a juvenile court for all juvenile offenses and specified violations of municipal ordinances in W.S. 14-6-203 -- is an essential and long overdue reform. Wyoming, unlike any other state in the country, uses the adult criminal courts to punish the majority of youth who get in trouble with the law. This creates several problems. First, juvenile courts, which are intended to help rehabilitate youth, are used for only a small fraction of the overall population of youth. Second, practices across the state vary widely despite efforts in recent years to create more uniformity statewide. Third, many offenses that would not be a crime if committed by an adult are prosecuted in adult court, which subjects the state to potential legal challenges and contradicts best practices and national standards.

Placing original jurisdiction in the juvenile court addresses all three of these problems. Under these revisions, prosecutors must file juvenile cases in juvenile court, which removes subjective discretion and creates a unified, objective juvenile justice system statewide. The jurisdiction revisions create a juvenile justice system in Wyoming that focuses on rehabilitation and outcome-based and age-appropriate interventions. Most importantly, creating a unified juvenile justice system will better protect the safety of

Wyoming communities by ensuring that youth in trouble are provided effective supports and sanctions that break the cycle of criminal activity.

2. MDT Modifications

The proposed modifications to the MDT process are intended to conserve the use of this important tool for only those youth who are in the greatest need of more intensive intervention. They also better tailor interventions to the child's needs with the goal of keeping the child safely in the community and reducing the inappropriate use of incarceration. More specifically, MDT eligibility was revised to limit appointment to cases where a) the minor is found to have committed a felony or misdemeanor punishable by imprisonment for over 6 months when the court determines the child should be removed from the home, or b) the child suffers from mental illness, substance abuse problem or developmental disability and would be released if appropriate services were available to keep child safe in a non-residential placement. A greater emphasis is placed on creating an individualized plan for youth in the system, focusing on community safety and the strengths and needs of the child and the family. The purpose of these changes is to address the issues underlying the child's offense, with the goal of ultimately reducing recidivism.

3. Diversion Process

The proposed revisions also create a process for diverting youth who do not present a risk to community safety from formal court processes. Currently, no formal statewide diversion process exists. These changes aim to reduce the population of low-level offenders unnecessarily involved in the court system and to emphasize the use of incarceration as a last resort.

In addition, the sanctions sections in the current Act are complex, confusing, and often ignored at disposition. The proposed changes to the Act would eliminate these sanctions and require that the Department of Family Services develop a comprehensive array of graduated responses to guide judicial discretion more uniformly statewide.

4. Systematic Data Collection

The proposed revisions also establish a statewide data collection system to track the processing of juvenile cases from the point of contact with law enforcement through dismissal of the case. Currently, statewide data collection is a hodgepodge of randomly gathered data. Information is not uniformly gathered throughout the state, nor does it contribute to the analysis of effective programs, evaluation of cost, or a comprehensive picture of what's happening to Wyoming's youth. Proposed changes to the Act seek to create a systematic data collection process to address these shortcomings in current practices.