

**NOTICE OF NON-COMPLIANCE**

Notice To Director:	Matt Schneider	Notice To Owner:	Gerald Schneider
Facility Name:	Triangle Cross Ranch	Facility Name:	Triangle Cross Ranch
Mailing Address:	428 Rd. 1 AF	Mailing Address:	428 Rd. 1AF
City:	Powell, WY. 82435	City:	Powell, WY. 82435

The Department of Family Services has completed the investigation/inspection regarding alleged violation(s) of the Administrative Rules for Certification of Providers of Substitute Care Services for Children received on: 12/10/2019

The following finding(s) have been found on the alleged violation(s) of the Administrative Rules for Certification of Providers of Substitute Care Services for Children:

<b>Allegation:</b> 1	It is alleged the organization allowed firearms and other weapons to be stored in the facility building, children allowed to clean a gun in the building, gun and bow and arrows used on the premises for target practice and hunting small game and children to possess knives.	Reported and Observed
<b>Date of Allegation:</b>	12/10/2019	
<b>Finding:</b>	Supported.	
<b>Rules Violated:</b>	Chapter 3. Section 18. Facility Health and Safety Requirements. (k) Weapons/Firearms. The organization shall develop, adopt, follow and maintain on file written policies and procedures governing the safe management of firearms and weapons. (i) The organization shall prohibit the storage or use of any firearms or other weapons on the grounds of the facility or program or in any building used by children, except by law enforcement personnel in emergency and non-emergency situations; (ii) In foster homes, firearms and ammunition shall be stored and locked separately from each other in an area that is inaccessible to children; and (iii) No explosives of any type shall be allowed on the premises. (iv) A foster child on probation and/or an adjudicated delinquent shall abide by the court order or terms and conditions of probation concerning weapons and firearms.	
<b>Explanation for findings:</b>	Interviews with children and staff revealed the following: Children were allowed on numerous occasions to hunt small game on the grounds of the facility with a .22 gun and bow & arrows. Additionally children were allowed to target shoot on the grounds of the facility and clean a gun inside the facility building.  Also children are allowed to have knives often kept in their pockets and bedrooms.  Weapons at various times were stored in the facility building with in reasonable access to the children.	
<b>Recommendations for Compliance:</b>	Rules prohibit the storage or use of any firearms or other weapons on the grounds of the facility or program or in any building used by children, except by law enforcement personnel.  The organization's corrective action plan shall include the development, adoption, follow-up and monitoring of written policies and procedures governing the Facility Health and Safety, in that weapons are prohibited on the facility premises.  The corrective action plan shall include training of all staff on the policy and procedures and Rules of Facility Health and Safety Requirements regarding weapons.	
<b>Corrective Action Plan (CAP) Due</b>	30- Days	



<b>Date:</b>		
<b>Allegation:</b> 2	It is alleged while children were to be under the direct supervision of organization's staff, children were left alone, without staff members, at times for hours, requiring the children to go to the staff member's living quarters and asking for help.	Reported
<b>Date of Allegation:</b>	12/10/2019	
<b>Finding:</b>	Supported.	
<b>Rules Violated:</b>	<p>Chapter 7. Section 6. Staffing Ratios.</p> <p>(a) Daytime and evening hours. The minimum ratio of staff to children is 1:6.</p> <p>(b) Nighttime Sleeping Hours.</p> <p>(i) There must be a direct care staff/child ratio of 1:10;</p> <p>(ii) If night staff are sleeping, the facility must have an operative alarm system to provide security. The purpose of the alarm system will be to monitor the movement of children within the facility. This alarm system must either be self monitoring or must be monitored and checked daily by staff to prevent tampering;</p> <p>(iii) If night staff are awake, bedroom checks of children shall be conducted at a minimum of three (3) times per hour, on a random, unscheduled basis and the exact time of the check shall be documented in an overnight log;</p> <p>(iv) One (1) or more staff members shall be available on-call to provide direct care to any child in crisis or in need of supervision twenty-four (24) hours a day, seven (7) days a week; and</p> <p>(v) Direct supervision of individual youth shall be adjusted to meet his/her specific needs (ie. runaway risk, youth on room restriction, risk to self or others).</p> <p>Chapter 3. Section 2. Responsibilities of the Organization.</p> <p>(a) The organization shall develop policies and procedures that assure proper protection, care and treatment of children, as follows:</p> <p>(c) The organization shall establish personnel policies.</p> <p>(e) The organization shall oversee quality assurance of the program. In this regard, the organization shall make provisions for examining and evaluating its programs at predetermined intervals to:</p> <p>(i) Ensure that the care and services provided are in accordance with the purpose of the organization;</p> <p>(ii) Evaluate the effectiveness and efficiency of services provided;</p> <p>(iii) Assure adherence to all required activities set forth in these rules; and</p> <p>(iv) The overall scope of the quality assurance process shall be described in a written plan or outline which sets forth mechanisms, committees, or other means of assigning responsibility for carrying out and coordinating quality assurance activities.</p>	
<b>Explanation for findings:</b>	Interviews with children and staff revealed the following: At various times staff would go to their living quarters, leaving the children alone, no staff supervision, for hours at a time. The children would go to the staff's living quarters, asking staff to return to the facility to help them.	
<b>Recommendations for Compliance:</b>	<p>The organization's corrective action plan shall include the development, adoption, follow-up and monitoring of written policies and procedures governing supervision of children by staff.</p> <p>The corrective action plan shall include training of all staff on the policy, procedures and rules of staffing ratio and responsibilities of the organization, including defining supervision.</p>	



<b>Corrective Action Plan (CAP) Due Date:</b>	30 Day.	
<b>Allegation:</b> 3	It is alleged the organization allows children enrolled in their program to enter the owner's house at various times and dates, alone (no staff member present) to assist the owner off the toilet, and/or getting him dressed by pulling up his clothes.	Reported
<b>Date of Allegation:</b>	12/10/2019	
<b>Finding:</b>	Supported.	
<b>Rules Violated:</b>	<p>Chapter 3. Section 23. Child Rights.</p> <p>All organizations shall develop and maintain a child's rights policy that supports and protects the fundamental human, civil, constitutional, and statutory rights of all children. These rights shall include, but are not limited to, the following:</p> <p>(a) Every child and family shall have the right to be free from abuse, financial or other exploitation, retaliation, humiliation and neglect;</p> <p>(e) The dignity of every child and family shall be recognized and respected in the delivery of services;</p> <p>(i) Every child shall have a right to personal privacy and the organization shall allow privacy for each child when not contrary to treatment and safety of the child;</p> <p>(n) Children in substitute care shall not participate as human subjects in research or experimental projects.</p> <p>Chapter 2. Section 2. Responsibilities of the Organization.</p> <p>(a) The organization shall develop policies and procedures that assure proper protection, care and treatment of children, as follows:</p> <p>(c) The organization shall establish personnel policies.</p> <p>(d) The organization shall select and hire a qualified administrator/executive Director and provide documentation that an annual, formal evaluation is conducted.</p> <p>(e) The organization shall oversee quality assurance of the program. In this regard, the organization shall make provisions for examining and evaluating its programs at predetermined intervals to:</p> <p>(i) Ensure that the care and services provided are in accordance with the purpose of the organization;</p> <p>(ii) Evaluate the effectiveness and efficiency of services provided;</p> <p>(iii) Assure adherence to all required activities set forth in these rules; and</p> <p>(iv) The overall scope of the quality assurance process shall be described in a written plan or outline which sets forth mechanisms, committees, or other means of assigning responsibility for carrying out and coordinating quality assurance activities.</p>	
<b>Explanation for findings:</b>	Interviews with children and staff revealed the following: At various times children would be called over by Gerald Schneider to his house, in order to assist him to get up from the toilet, get dressed and/or watch "care for" his wife, who is diagnosed with Alzheimer's.	
<b>Recommendations for Compliance:</b>	<p>The organization's corrective action plan shall include the development, adoption, follow-up and monitoring of written policies and procedures governing, in that children are not used as a caretaker for the owner and/or his wife.</p> <p>The corrective action plan shall include training of all staff on the policy, procedures and rules of staffing ratio and responsibilities of the organization.</p>	
<b>Corrective Action Plan (CAP) Due</b>	30 Days	



Date:		
<b>Allegation:</b> 4	It is alleged the organization employed a person knowing this person to have a "may not meet eligibility requirement" status from the finger print national criminal background record check and allowed such person to be around children enrolled in the organization program.	Reported
<b>Date of Allegation:</b>	12/10/2019	
<b>Finding:</b>	Supported.	
<b>Rules Violated:</b>	<p>Chapter 3. Section 10. Background Checks.</p> <p>(a) A Wyoming abuse and/or neglect Central Registry check, an abuse and/or neglect Central Registry check from any other state lived in for the past 5 years, and a finger print based national criminal history record check shall be completed for all staff, foster parents, and adoptive parents. In cases where a child abuse and/or neglect registry request was made to another state and a denial of that request has been received, a notarized affidavit from the staff person shall be required, certifying to the best of his/her knowledge, he/she has not appeared upon a child abuse and/or neglect registry in the state of previous residence. These same checks are necessary for adult household members in the case of foster homes, adoptive homes, and facilities that are operated in an individual's home, including any new adult proposing to move into the foster home, adoptive home or facility operated in an individual's home. Background checks for any new adult proposing to move into the foster home, adoptive home or facility operated in an individual's home, shall be completed prior to the adult moving in.</p> <p>(i) A person whose name appears on the Central Registry as substantiated must not be employed, approved for foster care, adoption or reside in any facility certified under these rules; and</p> <p>(ii) A person with a criminal history record may not be employed, approved for foster care, adoption or reside in any facility certified under these rules if that person has been convicted or has a pending deferred prosecution of a felony involving:</p> <p>(A) Child abuse and/or neglect;</p> <p>(B) Spousal abuse;</p> <p>(C) A crime against a child or vulnerable adult;</p> <p>(D) A crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery; or</p> <p>(E) One of the following if the conviction occurred within the last five (5) years:</p> <p>(I) Felony physical assault;</p> <p>(II) Felony battery;</p> <p>(III) A felony related drug offense; and/or</p> <p>(IV) Any other crime that causes the facility to be concerned for the safety or well-being of children or others.</p> <p>(F) The organization shall determine if rehabilitation has occurred for individuals with criminal convictions outlined in (E) above that occurred more than five (5) years ago. The organization shall document its decision as to rehabilitation for any individuals that are to be employed or will reside in the facility or foster home or adoptive home and provide that information to the certifying authority prior to employing the person or allowing the individual to reside in the facility or foster home or adoptive home.</p> <p>(b) No staff person including volunteers and interns, foster parent, or adult household member residing in any facility who has been charged with a crime outlined in Section 10(a)(ii)(A) through (E) above and awaiting trial may provide care or be present in the facility pending the outcome of the criminal proceeding.</p> <p>(c) A copy of background checks must be made available to the certifying authority.</p>	
<b>Explanation for findings:</b>	Interviews with children and staff revealed the following: Staff CK's national fingerprint criminal history background check is a may not be eligible status. The organization is aware the individual does not have a clear check, yet continued to have this person employed	





	at the organization. It is known from children and staff this individual has spent time in the program's building as an employee around the children.	
<b>Recommendations for Compliance:</b>	The organization's corrective action plan shall include the development, adoption, follow-up and monitoring of written policies and procedures governing the adherence to all required activities set forth in rules of staff background checks and employment qualifications. There shall be described in a written plan or outline which set forth mechanisms, committees, or other means of assigning responsibility for carrying out and coordinating quality assurance activities regarding employees background checks and hiring practices.	
<b>Corrective Action Plan (CAP) Due Date:</b>	30 - Days	

<b>Allegation:</b> 5	It is alleged the organization denied a child's request to call DFS in order to report alleged maltreatment.	Reported
<b>Date of Allegation:</b>	12/10/2019	
<b>Finding:</b>	Supported.	
<b>Rules Violated:</b>	<p>Chapter 3. Section 18. Facility Health and Safety requirements.</p> <p>(i) Communication System.</p> <p>(i) The organization shall ensure that each building used by children or the foster home has at least one (1) working telephone that is directly available for immediate access or that it is connected to an operating central telephone system;</p> <p>(ii) The organization shall ensure that the facility's and foster home's telephone number is clearly posted and available to children, their parent(s), if appropriate, or legal guardian, and the general public if appropriate;</p> <p>(iii) The organization shall provide children with reasonable access to a pay or free telephone and shall not charge children for telephone calls to the DFS caseworker;</p> <p>Section 23. Child Rights.</p> <p>All organizations shall develop and maintain a child's rights policy that supports and protects the fundamental human, civil, constitutional, and statutory rights of all children. These rights shall include, but are not limited to, the following:</p> <p>(a) Every child and family shall have the right to be free from abuse, financial or other exploitation, retaliation, humiliation and neglect;</p> <p>(e) The dignity of every child and family shall be recognized and respected in the delivery of services;</p> <p>(f) Every child and family shall receive care according to individual need;</p> <p>(j) The organization shall allow contact (i.e. visits, approved gifts, mail and telephone calls) between the child and his/her family. Contact with the family will observe the following guidelines:</p> <p>(i) Contacts between the child and his/her family shall be allowed while the child is in care unless:</p> <p>(ii) Limits put on communications or visits shall be documented and communicated to child and all staff.</p>	
<b>Explanation for findings:</b>	Interviews with children and staff revealed the following: A child requested to call DFS regarding staff allowing a child to punch other children as a means of discipline/consequence for making jokes directed towards him. The child's was not allowed to call DFS.	
<b>Recommendations for Compliance:</b>	The organization's corrective action plan shall include the development, adoption, follow-up and monitoring of written policies and procedures governing the adherence to all required activities	



	set forth in rules of children's access to a phone and their rights. There shall be described in a written plan or outline which set forth mechanisms, committees, or other means of assigning responsibility for carrying out and coordinating quality assurance activities regarding children access to a phone and their rights.	
<b>Corrective Action Plan (CAP) Due Date:</b>	30 - Days	

<b>Allegation:</b> 6	It is alleged the organization has an eighteen year old person participating in their program and residing on the organization's premises.	Reported and Observed
<b>Date of Allegation:</b>	12/10/2019	
<b>Finding:</b>	Supported.	
<b>Rules Violated:</b>	Chapter 2. Section 1. Certification and Recertification.  (g) Certification under these rules is for the provision of services to children unless otherwise required by court order or statute. (See Chapter 1, Section 2 herein.) Children who entered the program as a minor and who have reached the age of majority and are still receiving services from the organization must not share bedrooms with the minor population. When the organization is serving children who have reached the age of majority, it must notify the certifying authority.	
<b>Explanation for findings:</b>	Interviews with children and staff revealed the following: Two known eighteen year old individuals participate in the organization's program, meals and/or activities.  DFS workers observed an eighteen year old living on the facility grounds. This individual stated he does enter the facility and participates in activities and meals at the facility.	
<b>Recommendations for Compliance:</b>	The organization's corrective action plan shall include the development, adoption, follow-up and monitoring of written policies and procedures governing the adherence to all required activities set forth in rules of being a juvenile facility. There shall be described in a written plan or outline which set forth mechanisms, committees, or other means of assigning responsibility for carrying out and coordinating quality assurance activities of only having appropriate juveniles in their program.	
<b>Corrective Action Plan (CAP) Due Date:</b>	30 - Days	

<b>Allegation:</b> 7	It is alleged the organization failed to report numerous physical assaultive conduct/behaviors, informing parents of child on child sexual contact, serious illness or injury, suicidal, homicidal behaviors of children.	Reported
<b>Date of Allegation:</b>	12/10/2019	
<b>Finding:</b>	Supported.	
<b>Rules Violated:</b>	Section 4. Critical Incident Reporting. (a) The organization shall develop, adopt, follow and maintain on file written policies, procedures and reporting forms governing all aspects of reporting critical incidents. The following types of incidents shall be reported as critical incidents: (vii) Fire at the facility or foster home; (viii) Riots (loss of staff control of a portion of a facility or unit); (ix) Physical assaultive conduct/behavior; (b) A verbal report must be made immediately to the child's legal	



	guardian upon occurrence of a critical incident except as provided in (iv) above. (c) The verbal report must be followed by completion and submission of the DFS Critical Incident Report Form to the certifying authority within two (2) working days after the occurrence.	
<b>Explanation for findings:</b>	Interviews with children, staff and file reviews revealed the following: Numerous incidents requiring a critical incident report to be filed with the certifying authority were never completed.  Children reported allegations of child on child sexual contact to their parents' weeks after the incident. The organization stated in their critical incident report and verbally, they contact parents of children involved in such allegations which is false.  Numerous acts of physical aggression, punching holes in walls, threat of self harm and homicidal threats were never reported.	
<b>Recommendations for Compliance:</b>	The organization's corrective action plan shall include the development, adoption, follow-up and monitoring of written policies and procedures governing the adherence to all required activities set forth in rules of critical incident reporting. There shall be described in a written plan or outline which set forth mechanisms, committees, or other means of assigning responsibility for carrying out complete reporting to all required parties of critical incidents.	
<b>Corrective Action Plan (CAP) Due Date:</b>	30- Day	

<b>Allegation: 8</b>	It is alleged the organization to have unacceptable discipline procedures.	Reported
<b>Date of Allegation:</b>	12/10/2019	
<b>Finding:</b>	Supported.	
<b>Rules Violated:</b>	Chapter 3. Section 24. Discipline. (a) The organization shall develop, adopt, follow and maintain on file written policies and procedures ensuring the appropriate discipline of children in care. (i) Written copies of the discipline policy shall be provided to staff, foster parents and the children; (ii) Documentation shall be kept of the imposition of all discipline and/or restrictions; (iii) Only staff with direct child care or supervisory responsibility shall discipline children; (iv) Children residing in the facility and foster home shall not discipline other children, nor are they allowed to engage in any physical intervention with another child. Children shall not have authority over other children; (v) Corporal punishment, defined as any act of inflicting punishment directly on the body, causing pain or injury, shall not be used; (b) Examples of inappropriate discipline and/or punishment: (i) Humiliating or degrading confrontation or consequences that undermine the child's respect, such as ridicule, sarcasm, shaming, scolding, forcing a child to dress in attire that would humiliate or degrade; (ii) Verbal remarks that belittle or ridicule the child or his/her family; (iii) The denial of food, liquids, mail or visits with their families as punishment; (iv) Any form of discipline, control, or punishment that violates state laws that protect children from abuse and/or neglect; or (v) Other unacceptable forms of punishment or behavioral control include, but are not limited to, the following:	



	(A) Slapping; (B) Spanking; (C) Shaking; (D) Paddling; (E) Belting; (F) Kicking; (G) Hitting including hitting with objects with an intent to do harm;  (J) Group discipline for misbehaviors of individuals;	
<b>Explanation for findings:</b>	Interviews with children and revealed the following: Organization sanctions were talked about and written down, stating that if you are bullying, you have to box everyone.	
<b>Recommendations for Compliance:</b>	The organization's corrective action plan shall include the development, adoption, follow-up and monitoring of written policies and procedures governing adherence to all required activities set forth in rules of proper discipline. There shall be described in a written plan or outline which set forth mechanisms, committees, or other means of assigning responsibility for carrying out appropriate and approved discipline.	
<b>Corrective Action Plan (CAP) Due Date:</b>	30- Days	

Per the Administrative Rules for Certification of Providers of Substitute Care Services for Children, the corrective action plan (CAP) to address the issues of non-compliance, must be submitted for approval within thirty (30) days of the below date.

If you disagree with the Department's finding of non-compliance of the Administrative Rules for Certification of Providers of Substitute Care Services for Children, you may request an administrative hearing within ten (10) days of your receipt of this letter (W.S. 14-4-108). Administrative Hearing procedures are included in the "Wyoming Substitute Care Rules, Chapter 4 and based upon the above statute. If you need a copy of the Rules or assistance in requesting an administrative hearing, you may contact your Licenser or Supervisor listed below.

Licensor: Lee Thurmond  
Address: 1301 Rumsey  
City: Cody, WY. 82414  
Telephone: 307-587-6246 Ext 30

Lee Thurmond (Licensor) 1-22-2020 (Date)  
Nichole Anderson (Manager) 01-22-2020 (Date)

cc: Substitute Care Facility  
Licensor

