

SENATE FILE NO. \_\_\_\_\_

Title 14 revisions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to juveniles; amending provisions relating  
 2 to the Uniform Parentage Act, paternity establishment,  
 3 genetic testing, assisted reproduction, child protection,  
 4 child care facilities, the Juvenile Court Act,  
 5 multidisciplinary team composition, and who may be  
 6 appointed to represent a child as specified; authorizing an  
 7 intensive supervision program for youths as specified;  
 8 renumbering specified criminal provisions; granting  
 9 rulemaking authority; conforming provisions; repealing  
 10 provisions; and providing for an effective date.

11

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

13

14       **Section 1.** W.S. 14-2-121 through 14-2-128, 14-2-401  
 15 through 14-2-404, 14-2-501 through 14-2-514, 14-2-601  
 16 through 14-2-611, 14-2-701 through 14-2-723, 14-2-801

1 through 14-2-807, 14-3-215 and 14-6-309 through 14-6-314  
2 are created to read:

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4

ARTICLE 1

5

GENERAL PROVISIONS

6

7

**14-2-121. Short title.**

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9 This act shall be known and may be cited as the Wyoming  
10 Parentage Act.

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**14-2-122. Definitions.**

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(a) As used in this act:

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(i) "Acknowledged father" means a man who has  
established a father-child relationship under article 5 of  
this act;

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(ii) "Adjudicated father" means a man who has  
been adjudicated by a court of competent jurisdiction to be  
the father of a child;

23

1           (iii) "Alleged father" means a man who alleges  
2 himself to be, or is alleged to be, the genetic father or a  
3 possible genetic father of a child, but whose paternity has  
4 not been determined. The term does not include:

5

6           (A) A presumed father;

7

8           (B) A man whose parental rights have been  
9 terminated or declared not to exist; or

10

11           (C) A male donor.

12

13           (iv) "Assisted reproduction" means a method of  
14 causing pregnancy other than through sexual intercourse.  
15 The term includes:

16

17           (A) Intrauterine insemination;

18

19           (B) Donation of eggs;

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21           (C) Donation of embryos;

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23           (D) In-vitro fertilization and transfer of  
24 embryos; and

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(E) Intracytoplasmic sperm injection.

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(v) "Child" means an individual of any age whose parentage may be determined under this act;

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(vi) "Commence" means to file the initial pleading seeking an adjudication of parentage in a district court of this state;

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(A) A husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife; or

1 (B) A woman who gives birth to a child by  
2 means of assisted reproduction.

3

4 (ix) "Ethnic or racial group" means, for purposes  
5 of genetic testing, a recognized group that an individual  
6 identifies as all or part of the individual's ancestry or  
7 that is so identified by other information;

8

9 (x) "Genetic testing" means an analysis of  
10 genetic markers to exclude or identify a man as the father  
11 or a woman as the mother of a child. The term includes an  
12 analysis of one (1) or a combination of the following:

13

14 (A) Deoxyribonucleic acid; and

15

16 (B) Blood-group antigens, red-cell antigens,  
17 human-leukocyte antigens, serum enzymes, serum proteins or  
18 red-cell enzymes.

19

20 (xi) "Intended parents" means individuals who  
21 enter into an agreement providing that they will be the  
22 parents of a child born to a gestational mother by means of  
23 assisted reproduction, whether or not either of them has a  
24 genetic relationship with the child;

1

2 (xii) "Man" means a male individual of any age;

3

4 (xiii) "Parent" means an individual who has  
5 established a parent-child relationship under W.S.  
6 14-2-401;

7

8 (xiv) "Parent-child relationship" means the legal  
9 relationship between a child and a parent of the child. The  
10 term includes the mother-child relationship and the father-  
11 child relationship;

12

13 (xv) "Paternity index" means the likelihood of  
14 paternity calculated by computing the ratio between:

15

16 (A) The likelihood that the tested man is  
17 the father, based on the genetic markers of the tested man,  
18 mother and child, conditioned on the hypothesis that the  
19 tested man is the father of the child; and

20

21 (B) The likelihood that the tested man is  
22 not the father, based on the genetic markers of the tested  
23 man, mother and child, conditioned on the hypothesis that  
24 the tested man is not the father of the child and that the

1 father is of the same ethnic or racial group as the tested  
2 man.

3

4 (xvi) "Presumed father" means a man who, by  
5 operation of law under W.S. 14-2-404, is recognized as the  
6 father of a child until that status is rebutted or  
7 confirmed in a judicial proceeding;

8

9 (xvii) "Probability of paternity" means the  
10 measure, for the ethnic or racial group to which the  
11 alleged father belongs, of the probability that the man in  
12 question is the father of the child, compared with a  
13 random, unrelated man of the same ethnic or racial group,  
14 expressed as a percentage incorporating the paternity index  
15 and a prior probability;

16

17 (xviii) "Record" means information that is  
18 inscribed on a tangible medium or that is stored in an  
19 electronic or other medium and is retrievable in  
20 perceivable form;

21

22 (xix) "Signatory" means an individual who  
23 authenticates a record and is bound by its terms;

24

1           (xx) "State" means a state of the United States,  
2 the District of Columbia, Puerto Rico, the United States  
3 Virgin Islands or any territory or insular possession  
4 subject to the jurisdiction of the United States;

5  
6           (xxi) "Title IV-D" means Title IV-D of the  
7 federal Social Security Act;

8  
9           (xxii) "This act" means W.S. 14-2-121 through  
10 14-2-128 and 14-2-401 through 14-2-807.

11  
12           **14-2-123. Scope of act; choice of law.**

13  
14           (a) This act governs every determination of parentage  
15 in this state.

16  
17           (b) The court shall apply the law of this state to  
18 adjudicate the parent-child relationship. The applicable  
19 law does not depend on:

20  
21           (i) The place of birth of the child; or

22  
23           (ii) The past or present residence of the child.

24



1           (c) This act does not create, enlarge or diminish  
2 parental rights or duties under other law of this state.

3

4           (d) This act does not authorize or prohibit an  
5 agreement between a woman and intended parents in which the  
6 woman relinquishes all rights as a parent of a child  
7 conceived by means of assisted reproduction, and which  
8 provides that the intended parents become the parents of  
9 the child. If a birth results under such an agreement and  
10 the agreement is unenforceable under Wyoming law, the  
11 parent-child relationship is determined as provided in  
12 article 4 of this act.

13

14           **14-2-124. Court of this state.**

15

16 The district court is authorized to adjudicate parentage  
17 under this act.

18

19           **14-2-125. Protection of participants.**

20

21 Proceedings under this act are subject to other law of this  
22 state governing the health, safety, privacy and liberty of  
23 a child or other individual who could be jeopardized by  
24 disclosure of identifying information, including address,

1 telephone number, place of employment, social security  
2 number and the child's day-care facility and school.

3

4 **14-2-126. Determination of maternity.**

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6 Provisions of this act relating to determination of  
7 paternity apply to determinations of maternity.

8

9 **14-2-127. Severability clause.**

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11 If any provision of this act or its application to an  
12 individual or circumstance is held invalid, the invalidity  
13 does not affect other provisions or applications of this  
14 act which can be given effect without the invalid provision  
15 or application, and to this end the provisions of this act  
16 are severable.

17

18 **14-2-128. Free transcript for appeal.**

19

20 If a party is financially unable to pay the cost of a  
21 transcript, the court shall furnish on request a transcript  
22 for purposes of appeal under this act.

23

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ARTICLE 4

## 1 PARENT-CHILD RELATIONSHIP

2

3 **14-2-401. Establishment of parent-child relationship.**

4

5 (a) The mother-child relationship is established  
6 between a woman and a child by:

7

8 (i) The woman's having given birth to the child;

9

10 (ii) An adjudication of the woman's maternity;

11 or

12

13 (iii) Adoption of the child by the woman.

14

15 (b) The father-child relationship is established  
16 between a man and a child by:

17

18 (i) An un rebutted presumption of the man's  
19 paternity of the child under W.S. 14-2-404;

20

21 (ii) An effective acknowledgment of paternity by  
22 the man under article 5 of this act, unless the  
23 acknowledgment has been rescinded or successfully  
24 challenged;

1

2

(iii) An adjudication of the man's paternity;

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4

(iv) Adoption of the child by the man; or

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7

(v) The man's having consented to assisted reproduction by his wife under article 8 of this act which resulted in the birth of the child.

8

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**14-2-402. No discrimination based on marital status.**

11

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13

A child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other.

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**14-2-403. Consequences of establishment of parentage.**

17

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Unless parental rights are terminated, a parent-child relationship established under this act applies for all purposes, except as otherwise specifically provided by other law of this state.

21

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24

**14-2-404. Presumption of paternity in context of marriage.**

1

2 (a) A man is presumed to be the father of a child if:

3

4 (i) He and the mother of the child are married  
5 to each other and the child is born during the marriage;

6

7 (ii) He and the mother of the child were married  
8 to each other and the child is born within three hundred  
9 (300) days after the marriage is terminated by death,  
10 annulment, declaration of invalidity, divorce or after the  
11 entry of a decree of separation;

12

13 (iii) Before the birth of the child, he and the  
14 mother of the child married each other in apparent  
15 compliance with law, even if the attempted marriage is or  
16 could be declared invalid, and the child is born during the  
17 invalid marriage or within three hundred (300) days after  
18 its termination by death, annulment, declaration of  
19 invalidity, divorce or after the entry of a decree of  
20 separation; or

21

22 (iv) After the birth of the child, he and the  
23 mother of the child married each other in apparent  
24 compliance with law, whether or not the marriage is or

1 could be declared invalid, and he voluntarily asserted his  
2 paternity of the child, and:

3

4 (A) The assertion is in a record filed with  
5 the state office of vital records;

6

7 (B) He agreed to be and is named as the  
8 child's father on the child's birth certificate; or

9

10 (C) He promised in a record to support the  
11 child as his own.

12

13 (b) A presumption of paternity established under this  
14 section may be rebutted only by an adjudication under  
15 article 7 of this act.

16

17

#### ARTICLE 5

18

#### VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

19

#### 20 **14-2-501. Acknowledgment of paternity.**

21

22 (a) The mother of a child and a man claiming to be  
23 the father of the child conceived as the result of his  
24 sexual intercourse with the mother may sign an

1 acknowledgment of paternity with intent to establish the  
2 man's paternity.

3

4 (b) An acknowledgment of paternity of a child born in  
5 Wyoming may be filed with the state office of vital  
6 records.

7

8 **14-2-502. Execution of acknowledgment of paternity.**

9

10 (a) An acknowledgment of paternity shall:

11

12 (i) Be in a record;

13

14 (ii) Be signed, or otherwise authenticated,  
15 under penalty for false swearing by the mother and by the  
16 man seeking to establish his paternity;

17

18 (iii) State that the child whose paternity is  
19 being acknowledged:

20

21 (A) Does not have a presumed father, or has  
22 a presumed father whose full name is stated; and

23

1 (B) Does not have another acknowledged or  
2 adjudicated father.

3

4 (iv) State whether there has been genetic  
5 testing and, if so, that the acknowledging man's claim of  
6 paternity is consistent with the results of the testing;  
7 and

8

9 (v) State that the signatories understand that  
10 the acknowledgment is the equivalent of a judicial  
11 adjudication of paternity of the child and that a challenge  
12 to the acknowledgment is permitted only under limited  
13 circumstances and is barred after two (2) years.

14

15 (b) An acknowledgment of paternity is void if it:

16

17 (i) States that another man is a presumed father,  
18 unless a denial of paternity signed or otherwise  
19 authenticated by the presumed father or a court order  
20 rebutting the presumption is filed with the state office of  
21 vital records;

22

23 (ii) States that another man is an acknowledged  
24 or adjudicated father; or



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2

(iii) Falsely denies the existence of a presumed, acknowledged or adjudicated father of the child.

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(c) A presumed father may sign or otherwise authenticate an acknowledgment of paternity.

7

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**14-2-503. Denial of paternity.**

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11

(a) A presumed father may sign a denial of his paternity. The denial is valid only if:

12

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16

(i) An acknowledgment of paternity signed, or otherwise authenticated, by another man is filed pursuant to W.S. 14-2-505;

17

18

19

(ii) The denial is in a record, and is signed, or otherwise authenticated, under penalty of perjury; and

20

21

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23

(iii) The presumed father has not previously:

(A) Acknowledged his paternity, unless the previous acknowledgment has been rescinded pursuant to W.S.

1 14-2-507 or successfully challenged pursuant to W.S.  
2 14-2-508; or

3

4 (B) Been adjudicated to be the father of  
5 the child.

6

7 **14-2-504. Rules for acknowledgment and denial of**  
8 **paternity.**

9

10 (a) An acknowledgment of paternity and a denial of  
11 paternity may be contained in a single document or may be  
12 signed in counterparts, and may be filed separately or  
13 simultaneously. If the acknowledgement and denial are both  
14 necessary, neither is valid until both are filed.

15

16 (b) An acknowledgment of paternity or a denial of  
17 paternity may be signed before the birth of the child.

18

19 (c) Subject to subsection (a) of this section, an  
20 acknowledgment of paternity or denial of paternity takes  
21 effect on the birth of the child or the filing of the  
22 document with the state office of vital records, whichever  
23 occurs later.

24

1           (d) An acknowledgment of paternity or denial of  
2 paternity signed by a minor is valid if it is otherwise in  
3 compliance with this act.

4

5           **14-2-505. Effect of acknowledgment or denial of**  
6 **paternity.**

7

8           (a) Except as otherwise provided in W.S. 14-2-507 and  
9 14-2-508, a valid acknowledgment of paternity filed with  
10 the state office of vital records is equivalent to an  
11 adjudication of paternity of a child and confers upon the  
12 acknowledged father all of the rights and duties of a  
13 parent.

14

15           (b) Except as otherwise provided in W.S. 14-2-507 and  
16 14-2-508, a valid denial of paternity by a presumed father  
17 filed with the state office of vital records in conjunction  
18 with a valid acknowledgment of paternity is equivalent to  
19 an adjudication of the nonpaternity of the presumed father  
20 and discharges the presumed father from all rights and  
21 duties of a parent.

22

23           **14-2-506. No filing fee.**

24

1 The state office of vital records shall not charge for  
2 filing an acknowledgment of paternity or denial of  
3 paternity.

4

5 **14-2-507. Proceeding for rescission.**

6

7 (a) A signatory may rescind an acknowledgment of  
8 paternity or denial of paternity by commencing a proceeding  
9 to rescind before the earlier of:

10

11 (i) Sixty (60) days after the effective date of  
12 the acknowledgment or denial, as provided in W.S. 14-2-504;  
13 or

14

15 (ii) The date of the first hearing in a  
16 proceeding to which the signatory is a party before a court  
17 to adjudicate an issue relating to the child, including a  
18 proceeding that establishes support.

19

20 **14-2-508. Challenge after expiration of period for**  
21 **rescission.**

22

23 (a) After the period for rescission under W.S.  
24 14-2-507 has expired, a signatory of an acknowledgment of

1 paternity or denial of paternity may commence a proceeding  
2 to challenge the acknowledgment or denial only:

3

4 (i) On the basis of fraud, duress or material  
5 mistake of fact; and

6

7 (ii) Within two (2) years after the  
8 acknowledgment or denial is filed with the state office of  
9 vital records.

10

11 (b) A party challenging an acknowledgment of  
12 paternity or denial of paternity has the burden of proof.

13

14 **14-2-509. Procedure for rescission or challenge.**

15

16 (a) Every signatory to an acknowledgment of paternity  
17 and any related denial of paternity shall be made a party  
18 to a proceeding to rescind or challenge the acknowledgment  
19 or denial.

20

21 (b) For the purpose of rescission of, or challenge  
22 to, an acknowledgment of paternity or denial of paternity,  
23 a signatory submits to personal jurisdiction of this state  
24 by signing the acknowledgment or denial, effective upon the

1 filing of the document with the state office of vital  
2 records.

3

4 (c) Except for good cause shown, during the pendency  
5 of a proceeding to rescind or challenge an acknowledgment  
6 of paternity or denial of paternity, the court may not  
7 suspend the legal responsibilities of a signatory arising  
8 from the acknowledgment, including the duty to pay child  
9 support.

10

11 (d) A proceeding to rescind or to challenge an  
12 acknowledgment of paternity or denial of paternity shall be  
13 conducted in the same manner as a proceeding to adjudicate  
14 parentage under article 7 of this act.

15

16 (e) At the conclusion of a proceeding to rescind or  
17 challenge an acknowledgment of paternity or denial of  
18 paternity, the court shall order the state office of vital  
19 records to amend the birth record of the child, if  
20 appropriate.

21

22 **14-2-510. Ratification barred.**

23

1 A court or administrative agency conducting a judicial or  
2 administrative proceeding is not required or permitted to  
3 ratify an unchallenged acknowledgment of paternity.

4

5 **14-2-511. Full faith and credit.**

6

7 A court of this state shall give full faith and credit to  
8 an acknowledgment of paternity or denial of paternity  
9 effective in another state if the acknowledgment or denial  
10 has been signed and is otherwise in compliance with the law  
11 of the other state.

12

13 **14-2-512. Forms for acknowledgment and denial of**  
14 **paternity.**

15

16 (a) To facilitate compliance with this article, the  
17 state office of vital records shall prescribe forms for the  
18 acknowledgment of paternity and the denial of paternity.

19

20 (b) A valid acknowledgment of paternity or denial of  
21 paternity is not affected by a later modification of the  
22 prescribed form.

23

1 (c) Every hospital or birthing center located in the  
2 state shall provide to any person who holds himself out to  
3 be the natural parent of a child born in the state an  
4 affidavit of paternity pursuant to this act. The facility  
5 providing the affidavit shall forward the completed  
6 affidavit to the state office of vital records. Upon  
7 request, the state office of vital records shall provide  
8 blank affidavits of paternity to any facility making the  
9 request under this subsection.

10  
11 **14-2-513. Release of information.**

12  
13 The state office of vital records may release information  
14 relating to the acknowledgment of paternity or denial of  
15 paternity to a signatory of the acknowledgment or denial,  
16 to courts and to the Title IV-D agency of this or another  
17 state.

18  
19 **14-2-514. Adoption of rules.**

20  
21 The state office of vital records may adopt rules to  
22 implement this article.

23  
24 **ARTICLE 6**



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GENETIC TESTING

**14-2-601. Scope of article.**

(a) This article governs genetic testing of an individual to determine parentage, whether the individual:

(i) Voluntarily submits to testing; or

(ii) Is tested pursuant to an order of the court or a child support enforcement agency.

**14-2-602. Order for testing.**

(a) Except as otherwise provided in this article and article 8 of this act, the court shall order the child and other designated individuals to submit to genetic testing if the request for testing is supported by the sworn statement of a party to the proceeding:

(i) Alleging paternity and stating facts establishing a reasonable probability of the requisite sexual contact between the individuals; or

1           (ii) Denying paternity and stating facts  
2 establishing a possibility that sexual contact between the  
3 individuals, if any, did not result in the conception of  
4 the child.

5

6           (b) A child support enforcement agency may order  
7 genetic testing only if there is no presumed, acknowledged  
8 or adjudicated father.

9

10          (c) If a request for genetic testing of a child is  
11 made before birth, the court or child support enforcement  
12 agency may not order in-utero testing.

13

14          (d) If two (2) or more men are subject to court-  
15 ordered genetic testing, the testing may be ordered  
16 concurrently or sequentially.

17

18           **14-2-603. Requirements for genetic testing.**

19

20          (a) Genetic testing shall be of a type reasonably  
21 relied upon by experts in the field of genetic testing and  
22 performed in a testing laboratory accredited by:

23

1           (i) The American Association of Blood Banks, or  
2 a successor to its functions;

3

4           (ii) The American Society for Histocompatibility  
5 and Immunogenetics, or a successor to its functions; or

6

7           (iii) An accrediting body designated by the  
8 United States secretary of health and human services.

9

10          (b) A specimen used in genetic testing may consist of  
11 one (1) or more samples, or a combination of samples, of  
12 blood, buccal cells, bone, hair, or other body tissue or  
13 fluid. The specimen used in the testing is not required to  
14 be of the same kind for each individual undergoing genetic  
15 testing.

16

17          (c) Based on the ethnic or racial group of an  
18 individual, the testing laboratory shall determine the  
19 databases from which to select frequencies for use in  
20 calculation of the probability of paternity. If there is  
21 disagreement as to the testing laboratory's choice, the  
22 following rules apply:

23

1           (i) The individual objecting may require the  
2 testing laboratory, within thirty (30) days after receipt  
3 of the report of the test, to recalculate the probability  
4 of paternity using an ethnic or racial group different from  
5 that used by the laboratory.

6  
7           (ii) The individual objecting to the testing  
8 laboratory's initial choice shall:

9  
10           (A) If the frequencies are not available to  
11 the testing laboratory for the ethnic or racial group  
12 requested, provide the requested frequencies compiled in a  
13 manner recognized by accrediting bodies; or

14  
15           (B) Engage another testing laboratory to  
16 perform the calculations.

17  
18           (iii) The testing laboratory may use its own  
19 statistical estimate if there is a question regarding which  
20 ethnic or racial group is appropriate. If available, the  
21 testing laboratory shall calculate the frequencies using  
22 statistics for any other ethnic or racial group requested.

23

1 (d) If, after recalculation using a different ethnic  
2 or racial group, genetic testing does not rebuttably  
3 identify a man as the father of a child under W.S.  
4 14-2-605, an individual who has been tested may be required  
5 to submit to additional genetic testing.

6  
7 **14-2-604. Report of genetic testing.**

8  
9 (a) A report of genetic testing shall be in a record  
10 and signed under penalty of perjury by a designee of the  
11 testing laboratory. A report made under the requirements of  
12 this article is self-authenticating.

13  
14 (b) Documentation from the testing laboratory of the  
15 following information is sufficient to establish a reliable  
16 chain of custody that allows the results of genetic testing  
17 to be admissible without testimony:

18  
19 (i) The names and photographs of the individuals  
20 whose specimens have been taken;

21  
22 (ii) The names of the individuals who collected  
23 the specimens;

24

1           (iii) The places and dates the specimens were  
2 collected;

3

4           (iv) The names of the individuals who received  
5 the specimens in the testing laboratory; and

6

7           (v) The dates the specimens were received.

8

9           **14-2-605. Genetic testing results; rebuttal.**

10

11           (a) Under this act, a man is rebuttably identified as  
12 the father of a child if the genetic testing complies with  
13 this article and the results disclose that:

14

15           (i) The man has at least a ninety-nine percent  
16 (99%) probability of paternity, using a prior probability  
17 of one-half (1/2), as calculated by using the combined  
18 paternity index obtained in the testing; and

19

20           (ii) A combined paternity index of at least one  
21 hundred (100) to one (1).

22

23           (b) A man identified under subsection (a) of this  
24 section as the father of the child may rebut the genetic

1 testing results only by other genetic testing satisfying  
2 the requirements of this article which:

3

4 (i) Excludes the man as a genetic father of the  
5 child; or

6

7 (ii) Identifies another man as the possible  
8 father of the child.

9

10 (c) Except as otherwise provided in W.S. 14-2-610, if  
11 more than one (1) man is identified by genetic testing as  
12 the possible father of the child, the court shall order  
13 them to submit to further genetic testing to identify the  
14 genetic father.

15

16 **14-2-606. Costs of genetic testing.**

17

18 (a) Subject to assessment of costs under article 7 of  
19 this act, the cost of initial genetic testing shall be  
20 advanced:

21

22 (i) By a child support enforcement agency in a  
23 proceeding in which the agency is providing services;

24

1 (ii) By the individual who made the request;

2

3 (iii) As agreed by the parties; or

4

5 (iv) As ordered by the court.

6

7 (b) In cases in which the cost is advanced by the  
8 child support enforcement agency, the agency may seek  
9 reimbursement from a man who is rebuttably identified as  
10 the father.

11

12 **14-2-607. Additional genetic testing.**

13

14 The court or the child support enforcement agency shall  
15 order additional genetic testing upon the request of a  
16 party who contests the result of the original testing. If  
17 the previous genetic testing identified a man as the father  
18 of the child under W.S. 14-2-605, the court or agency may  
19 not order additional testing unless the party provides  
20 advance payment for the testing.

21

22 **14-2-608. Genetic testing when specimens not**  
23 **available.**

24



1           (a) Subject to subsection (b) of this section, if a  
2 genetic-testing specimen is not available from a man who  
3 may be the father of a child, for good cause and under  
4 circumstances the court considers to be just, the court may  
5 order the following individuals to submit specimens for  
6 genetic testing:

7  
8           (i) The parents of the man;

9  
10          (ii) Brothers and sisters of the man;

11  
12          (iii) Other children of the man and their  
13 mothers; and

14  
15          (iv) Other relatives of the man necessary to  
16 complete genetic testing.

17  
18          (b) Issuance of an order under this section requires  
19 a finding that a need for genetic testing outweighs the  
20 legitimate interests of the individual sought to be tested.

21  
22           **14-2-609. Deceased individual.**

23

1 For good cause shown, the court may order genetic testing  
2 of a deceased individual.

3

4 **14-2-610. Identical brothers.**

5

6 (a) The court may order genetic testing of a brother  
7 of a man identified as the father of a child if the man is  
8 commonly believed to have an identical brother and evidence  
9 suggests that the brother may be the genetic father of the  
10 child.

11

12 (b) If each brother satisfies the requirements as the  
13 identified father of the child under W.S. 14-2-605 without  
14 consideration of another identical brother being identified  
15 as the father of the child, the court may rely on  
16 nongenetic evidence to adjudicate which brother is the  
17 father of the child.

18

19 **14-2-611. Confidentiality of genetic testing.**

20

21 (a) Release of the report of genetic testing for  
22 parentage is controlled by applicable state law.

23

1 (b) An individual who intentionally releases an  
2 identifiable specimen of another individual for any purpose  
3 other than that relevant to the proceeding regarding  
4 parentage without a court order or the written permission  
5 of the individual who furnished the specimen commits a  
6 misdemeanor and upon conviction shall be punished by a fine  
7 of not more than one thousand dollars (\$1,000.00),  
8 imprisonment for not more than one (1) year, or both fine  
9 and imprisonment.

10  
11 ARTICLE 7

12 PROCEEDING TO ADJUDICATE PARENTAGE

13  
14 **14-2-701. Proceeding authorized.**

15  
16 A civil proceeding may be maintained to adjudicate the  
17 parentage of a child. The proceeding is governed by the  
18 Wyoming Rules of Civil Procedure.

19  
20 **14-2-702. Standing to maintain proceeding.**

21  
22 (a) Subject to article 5 of this act and W.S.  
23 14-2-707 and 14-2-709, a proceeding to adjudicate parentage  
24 may be maintained by:

1

2

(i) The child;

3

4

(ii) The mother of the child;

5

6

(iii) A man whose paternity of the child is to be adjudicated;

8

9

(iv) The child support enforcement agency;

10

11

(v) An authorized adoption agency or licensed child-placing agency; or

13

14

15

16

17

(vi) A representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated or a minor.

18

19

**14-2-703. Parties to proceeding.**

20

21

22

(a) The following individuals shall be joined as parties in a proceeding to adjudicate parentage:

23

24

(i) The mother of the child; and

1

2

3

(ii) A man whose paternity of the child is to be adjudicated.

4

5

**14-2-704. Personal jurisdiction.**

6

7

8

9

(a) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.

10

11

12

13

14

15

(b) A court of this state having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in W.S. 20-4-142 are met.

16

17

18

19

20

21

22

23

**14-2-705. Venue.**

1 (a) Venue for a proceeding to adjudicate parentage is  
2 in the county of this state in which:

3  
4 (i) The child resides or is found;

5  
6 (ii) The respondent resides or is found if the  
7 child does not reside in this state; or

8  
9 (iii) A proceeding for probate or administration  
10 of the presumed or alleged father's estate has been  
11 commenced.

12  
13 **14-2-706. No limitation; child having no presumed,**  
14 **acknowledged or adjudicated father.**

15  
16 (a) A proceeding to adjudicate the parentage of a  
17 child having no presumed, acknowledged or adjudicated  
18 father may be commenced at any time, even after:

19  
20 (i) The child becomes an adult; or

21  
22 (ii) An earlier proceeding to adjudicate  
23 paternity has been dismissed based on the application of a  
24 statute of limitation then in effect.

1

2

**14-2-707. Limitation; child having presumed father.**

3

4 (a) Except as otherwise provided in subsection (b) of  
5 this section, a proceeding brought by a presumed father,  
6 the mother, or another individual to adjudicate the  
7 parentage of a child having a presumed father shall be  
8 commenced within a reasonable time after obtaining  
9 knowledge of relevant facts, but in no event later than  
10 five (5) years after the child's birth.

11

12 (b) A proceeding seeking to disprove the father-child  
13 relationship between a child and the child's presumed  
14 father may be maintained at any time if the court  
15 determines that:

16

17 (i) The presumed father and the mother of the  
18 child neither cohabited nor engaged in sexual intercourse  
19 with each other during the probable time of conception; and

20

21 (ii) The presumed father never openly treated  
22 the child as his own.

23

1           **14-2-708. Authority to deny motion for genetic**  
2 **testing.**

3

4           (a) In a proceeding to adjudicate parentage under  
5 circumstances described in W.S. 14-2-707, the court may  
6 deny a motion seeking an order for genetic testing of the  
7 mother, the child and the presumed father if the court  
8 determines that:

9

10           (i) The conduct of the mother or the presumed  
11 father estops that party from denying parentage; and

12

13           (ii) It would be inequitable to disprove the  
14 father-child relationship between the child and the  
15 presumed father.

16

17           (b) In determining whether to deny a motion seeking  
18 an order for genetic testing under this section, the court  
19 shall consider the best interest of the child, including  
20 the following factors:

21

22           (i) The length of time between the proceeding to  
23 adjudicate parentage and the time that the presumed father



1 was placed on notice that he might not be the genetic  
2 father;

3

4 (ii) The length of time during which the  
5 presumed father has assumed the role of father of the  
6 child;

7

8 (iii) The facts surrounding the presumed  
9 father's discovery of his possible nonpaternity;

10

11 (iv) The nature of the relationship between the  
12 child and the presumed father;

13

14 (v) The age of the child;

15

16 (vi) The harm that may result to the child if  
17 presumed paternity is successfully disproved;

18

19 (vii) The nature of the relationship between the  
20 child and any alleged father;

21

22 (viii) The extent to which the passage of time  
23 reduces the chances of establishing the paternity of

1 another man and a child support obligation in favor of the  
2 child; and

3

4 (ix) Other factors that may affect the equities  
5 arising from the disruption of the father-child  
6 relationship between the child and the presumed father or  
7 the chance of other harm to the child.

8

9 (c) In a proceeding involving the application of this  
10 section, a minor or incapacitated child shall be  
11 represented by a guardian ad litem.

12

13 (d) Denial of a motion seeking an order for genetic  
14 testing shall be based on clear and convincing evidence.

15

16 (e) If the court denies a motion seeking an order for  
17 genetic testing, it shall issue an order adjudicating the  
18 presumed father to be the father of the child.

19

20 **14-2-709. Limitation; child having acknowledged or**  
21 **adjudicated father.**

22

23 (a) If a child has an acknowledged father, a  
24 signatory to the acknowledgment of paternity or denial of

1 paternity may commence a proceeding seeking to rescind the  
2 acknowledgement or denial or challenge the paternity of the  
3 child only within the time allowed under W.S. 14-2-507 or  
4 14-2-508.

5  
6 (b) If a child has an acknowledged father or an  
7 adjudicated father, an individual, other than the child,  
8 who is neither a signatory to the acknowledgment of  
9 paternity nor a party to the adjudication and who seeks an  
10 adjudication of paternity of the child shall commence a  
11 proceeding not later than two (2) years after the effective  
12 date of the acknowledgment or adjudication.

13  
14 **14-2-710. Joinder of proceedings.**

15  
16 (a) Except as otherwise provided in subsection (b) of  
17 this section, a proceeding to adjudicate parentage may be  
18 joined with a proceeding for adoption, termination of  
19 parental rights, child custody or visitation, child  
20 support, divorce, annulment, legal separation or separate  
21 maintenance, probate or administration of an estate or  
22 other appropriate proceeding.

23

1 (b) A respondent may not join a proceeding described  
2 in subsection (a) of this section with a proceeding to  
3 adjudicate parentage brought under the Uniform Interstate  
4 Family Support Act.

5  
6 **14-2-711. Proceeding before birth.**

7  
8 (a) A proceeding to determine parentage may be  
9 commenced before the birth of the child, but may not be  
10 concluded until after the birth of the child. The following  
11 actions may be taken before the birth of the child:

12  
13 (i) Service of process;

14  
15 (ii) Discovery; and

16  
17 (iii) Except as prohibited by W.S. 14-2-602,  
18 collection of specimens for genetic testing.

19  
20 **14-2-712. Child as party; representation.**

21  
22 (a) A minor child is a permissible party, but is not  
23 a necessary party to a proceeding under this article.

24

1           (b) The court shall appoint an attorney to represent  
2 the best interest of a minor or incapacitated child if the  
3 child is a party or the court finds that the interests of  
4 the child are not adequately represented.

5

6           **14-2-713. Admissibility of results of genetic**  
7 **testing; expenses.**

8

9           (a) Except as otherwise provided in subsection (c) of  
10 this section, a record of a genetic testing expert is  
11 admissible as evidence of the truth of the facts asserted  
12 in the report unless a party objects to its admission  
13 within fourteen (14) days after its receipt by the  
14 objecting party and cites specific grounds for exclusion.  
15 The admissibility of the report is not affected by whether  
16 the testing was performed:

17

18           (i) Voluntarily or pursuant to an order of the  
19 court or a child support enforcement agency; or

20

21           (ii) Before or after the commencement of the  
22 proceeding.

23

1 (b) A party objecting to the results of genetic  
2 testing may call one (1) or more genetic testing experts to  
3 testify in person or by telephone, videoconference,  
4 deposition or another method approved by the court. Unless  
5 otherwise ordered by the court, the party offering the  
6 testimony bears the expense for the expert testifying.

7  
8 (c) If a child has a presumed, acknowledged or  
9 adjudicated father, the results of genetic testing are  
10 inadmissible to adjudicate parentage unless performed:

11  
12 (i) With the consent of both the mother and the  
13 presumed, acknowledged or adjudicated father; or

14  
15 (ii) Pursuant to an order of the court under  
16 W.S. 14-2-602.

17  
18 (d) Copies of bills for genetic testing and for  
19 prenatal and postnatal health care for the mother and child  
20 which are furnished to the adverse party not less than ten  
21 (10) days before the date of a hearing are admissible to  
22 establish:

23  
24 (i) The amount of the charges billed; and

1

2

(ii) That the charges were reasonable, necessary  
and customary.

4

5

**14-2-714. Consequences of declining genetic testing.**

6

7

(a) A person who declines to comply with an order for  
genetic testing is guilty of contempt of court.

9

10

(b) If an individual whose paternity is being  
determined declines to submit to genetic testing ordered by  
the court, the court for that reason may adjudicate  
parentage contrary to the position of that individual.

14

15

(c) Genetic testing of the mother of a child is not a  
condition precedent to testing the child and a man whose  
paternity is being determined. If the mother is unavailable  
or declines to submit to genetic testing, the court may  
order the testing of the child and every man whose  
paternity is being adjudicated.

21

22

**14-2-715. Admission of paternity authorized.**

23

1           (a) A respondent in a proceeding to adjudicate  
2 parentage may admit to the paternity of a child by filing a  
3 pleading to that effect or by admitting paternity under  
4 penalty of perjury when making an appearance or during a  
5 hearing.

6  
7           (b) If the court finds that the admission of  
8 paternity satisfies the requirements of this section and  
9 finds that there is no reason to question the admission,  
10 the court shall issue an order adjudicating the child to be  
11 the child of the man admitting paternity.

12  
13           **14-2-716. Temporary order.**

14  
15           (a) In a proceeding under this article, the court  
16 shall issue a temporary order for support of a child if the  
17 order is appropriate and the individual ordered to pay  
18 support is:

19  
20           (i) A presumed father of the child;

21  
22           (ii) Petitioning to have his paternity  
23 adjudicated;

24



1 (iii) Identified as the father through genetic  
2 testing under W.S. 14-2-605;

3  
4 (iv) An alleged father who has declined to  
5 submit to genetic testing;

6  
7 (v) Shown by clear and convincing evidence to be  
8 the father of the child; or

9  
10 (vi) The mother of the child.

11  
12 (b) A temporary order may include provisions for  
13 custody and visitation as provided by other law of this  
14 state.

15  
16 **14-2-717. Rules for adjudication of paternity.**

17  
18 (a) The court shall apply the following rules to  
19 adjudicate the paternity of a child:

20  
21 (i) The paternity of a child having a presumed,  
22 acknowledged or adjudicated father may be disproved only by  
23 admissible results of genetic testing excluding that man as

1 the father of the child or identifying another man as the  
2 father of the child;

3

4 (ii) Unless the results of genetic testing are  
5 admitted to rebut other results of genetic testing, a man  
6 identified as the father of a child under W.S. 14-2-605  
7 shall be adjudicated the father of the child;

8

9 (iii) If the court finds that genetic testing  
10 under W.S. 14-2-605 neither identifies nor excludes a man  
11 as the father of a child, the court may not dismiss the  
12 proceeding. In that event, the results of genetic testing,  
13 and other evidence, are admissible to adjudicate the issue  
14 of paternity;

15

16 (iv) Unless the results of genetic testing are  
17 admitted to rebut other results of genetic testing, a man  
18 excluded as the father of a child by genetic testing shall  
19 be adjudicated not to be the father of the child.

20

21 **14-2-718. Jury prohibited.**

22

23 The court, without a jury, shall adjudicate paternity of a  
24 child.

1

2

**14-2-719. Hearings; inspection of records.**

3

4

5

(a) On request of a party and for good cause shown, the court may close a proceeding under this article.

6

7

8

9

10

11

12

**14-2-720. Order on default.**

13

14

15

(a) The court shall issue an order adjudicating the paternity of a man who:

16

17

18

19

20

21

22

**14-2-721. Dismissal for want of prosecution.**

23

1 The court may issue an order dismissing a proceeding  
2 commenced under this act for want of prosecution only  
3 without prejudice. An order of dismissal for want of  
4 prosecution purportedly with prejudice is void and has only  
5 the effect of a dismissal without prejudice.

6  
7 **14-2-722. Order adjudicating parentage.**

8  
9 (a) The court shall issue an order adjudicating  
10 whether a man alleged or claiming to be the father is the  
11 parent of the child.

12  
13 (b) An order adjudicating parentage shall identify  
14 the child by name and date of birth.

15  
16 (c) Except as otherwise provided in subsection (d) of  
17 this section, the court may assess filing fees, reasonable  
18 attorney's fees, fees for genetic testing, necessary travel  
19 and other reasonable expenses incurred in a proceeding  
20 under this article. The court may award attorney's fees,  
21 which may be paid directly to the attorney, who may enforce  
22 the order in the attorney's own name.

23

1 (d) The court may not assess fees, costs or expenses  
2 against the child support enforcement agency of this state  
3 or another state, except as provided by other law.

4  
5 (e) On request of a party and for good cause shown,  
6 the court may order that the name of the child be changed.

7  
8 (f) If the order of the court is at variance with the  
9 child's birth certificate, the court shall order the state  
10 office of vital records to issue an amended birth  
11 certificate.

12  
13 **14-2-723. Binding effect of determination of**  
14 **parentage.**

15  
16 (a) Except as otherwise provided in subsection (b) of  
17 this section, a determination of parentage is binding on:

18  
19 (i) All signatories to an acknowledgement or  
20 denial of paternity as provided in article 5 of this act;  
21 and

22

1           (ii) All parties to an adjudication by a court  
2 acting under circumstances that satisfy the jurisdictional  
3 requirements of W.S. 20-4-142.

4  
5           (b) A child is not bound by a determination of  
6 parentage under this act unless:

7  
8           (i) The determination was based on an  
9 unrescinded acknowledgment of paternity and the  
10 acknowledgement is consistent with the results of genetic  
11 testing;

12  
13           (ii) The adjudication of parentage was based on  
14 a finding consistent with the results of genetic testing  
15 and the consistency is declared in the determination or is  
16 otherwise shown; or

17  
18           (iii) The child was a party or was represented  
19 in the proceeding determining parentage by an attorney  
20 representing the child's best interest.

21  
22           (c) In a proceeding to dissolve a marriage, the court  
23 is deemed to have made an adjudication of the parentage of  
24 a child if the court acts under circumstances that satisfy

1 the jurisdictional requirements of W.S. 20-4-142, and the  
2 final order:

3

4 (i) Expressly identifies a child as a "child of  
5 the marriage," "issue of the marriage," or similar words  
6 indicating that the husband is the father of the child; or

7

8 (ii) Provides for support of the child by the  
9 husband unless paternity is specifically disclaimed in the  
10 order.

11

12 (d) Except as otherwise provided in subsection (b) of  
13 this section, a determination of parentage may be a defense  
14 in a subsequent proceeding seeking to adjudicate parentage  
15 by an individual who was not a party to the earlier  
16 proceeding.

17

18 (e) A party to an adjudication of paternity may  
19 challenge the adjudication only under the laws of this  
20 state relating to appeal, vacation of judgments or other  
21 judicial review.

22

23

## ARTICLE 8

24

## CHILD OF ASSISTED REPRODUCTION

1

2

**14-2-801. Scope of article.**

3

4

This article does not apply to the birth of a child conceived by means of sexual intercourse.

6

7

**14-2-802. Parental status of donor.**

8

9

10

A donor is not a parent of a child conceived by means of assisted reproduction.

11

12

**14-2-803. Husband's paternity of child of assisted reproduction.**

14

15

16

17

If a husband provides sperm for, or consents to, assisted reproduction by his wife as provided in W.S. 14-2-804, he is the father of a resulting child.

18

19

**14-2-804. Consent to assisted reproduction.**

20

21

22

23

(a) Consent by a married woman to assisted reproduction shall be in a record signed by the woman and her husband. This requirement shall not apply to the



1 donation of eggs by a married woman for assisted  
2 reproduction by another woman.

3

4 (b) Failure of the husband to sign a consent required  
5 by subsection (a) of this section, before or after birth of  
6 the child, does not preclude a finding that the husband is  
7 the father of a child born to his wife if the wife and  
8 husband openly treated the child as their own.

9

10 **14-2-805. Limitation on husband's dispute of**  
11 **paternity.**

12

13 (a) Except as otherwise provided in subsection (b) of  
14 this section, the husband of a wife who gives birth to a  
15 child by means of assisted reproduction may not challenge  
16 his paternity of the child unless:

17

18 (i) Within two (2) years after learning of the  
19 birth of the child he commences a proceeding to adjudicate  
20 his paternity; and

21

22 (ii) The court finds that he did not consent to  
23 the assisted reproduction, before or after birth of the  
24 child.

1

2 (b) A proceeding to adjudicate paternity may be  
3 maintained at any time if the court determines that:

4

5 (i) The husband did not provide sperm for, or  
6 before or after the birth of the child consent to, assisted  
7 reproduction by his wife;

8

9 (ii) The husband and the mother of the child  
10 have not cohabited since the probable time of assisted  
11 reproduction; and

12

13 (iii) The husband never openly treated the child  
14 as his own.

15

16 (c) The limitation provided in this section applies  
17 to a marriage declared invalid after assisted reproduction.

18

19 **14-2-806. Effect of dissolution of marriage.**

20

21 (a) If a marriage is dissolved before placement of  
22 eggs, sperm or embryos, the former spouse is not a parent  
23 of the resulting child unless the former spouse consented  
24 in a record that if assisted reproduction were to occur

1 after a divorce, the former spouse would be a parent of the  
2 child.

3

4 (b) The consent of a former spouse to assisted  
5 reproduction may be withdrawn by that individual in a  
6 record at any time before placement of eggs, sperm or  
7 embryos.

8

9 **14-2-807. Parental status of deceased spouse.**

10

11 If a spouse dies before placement of eggs, sperm or  
12 embryos, the deceased spouse is not a parent of the  
13 resulting child unless the deceased spouse consented in a  
14 record that if assisted reproduction were to occur after  
15 death, the deceased spouse would be a parent of the child.

16

17 **14-3-215. State agency assistance to multidisciplinary**  
18 **teams.**

19

20 (a) The department of family services shall adopt  
21 rules and regulations, in conjunction with the department  
22 of education and the department of health, to establish a  
23 protocol to review the case of any child in state custody

1 where the placement has exceeded time or cost criteria  
2 established in the protocol. The protocol shall provide:

3

4 (i) For the review of the reasons for placement  
5 and the progress towards returning the child to the home or  
6 community; and

7

8 (ii) State level participation with, and  
9 assistance to, multidisciplinary teams when requested or  
10 when the protocol indicates the need for participation by  
11 any of the state agencies.

12

13 **14-6-309. Authority to establish an intensive**  
14 **supervision program; rulemaking authority.**

15

16 (a) The department is authorized to adopt reasonable  
17 rules and regulations to establish an intensive supervision  
18 program for juvenile probationers.

19

20 (b) An intensive supervision program established  
21 under this article may require:

22

23 (i) Electronic monitoring, regimented daily  
24 schedules or itineraries, house arrest, telephone contact,

1 drug testing, curfew checks or other supervision methods  
2 which facilitate contact with supervisory personnel;

3

4 (ii) Community service work, family, educational  
5 or vocational counseling, treatment for substance abuse,  
6 mental health treatment and monitoring of restitution  
7 orders and fines previously imposed on the participant; and

8

9 (iii) Imposition of supervision fees to be paid  
10 by participants.

11

12 (c) Subject to legislative appropriation, the  
13 department may, by negotiation without competitive bid or  
14 by competitive bidding, contract with any governmental or  
15 nongovernmental entity to provide services required to  
16 carry out the provisions of this article.

17

18 (d) The department shall have general supervisory  
19 authority over all juvenile probationers participating in  
20 an intensive supervision program under this article.

21

22 **14-6-310. Program participation not a matter of**  
23 **right.**

24

1           (a) Participation in an intensive supervision program  
2 authorized by this article is a matter of grace and not of  
3 right.

4  
5           (b) No juvenile probationer shall be allowed to  
6 participate in an intensive supervision program authorized  
7 by this article unless the probationer agrees in writing to  
8 abide by all the rules and regulations of the department  
9 relating to the operation of the program and agrees to  
10 submit to administrative sanctions which may be imposed  
11 under W.S. 14-6-314.

12  
13           **14-6-311. Program participation as a condition of**  
14 **release from placement.**

15  
16           (a) The department may, as a condition of release  
17 from placement, require a juvenile probationer to  
18 participate in an intensive supervision program established  
19 under this article, provided:

20  
21           (i) Space and funding is available for the  
22 probationer's participation in the program;

23

1           (ii) The department determines the probationer  
2 has a reasonable likelihood of successfully participating  
3 in the program.

4

5           **14-6-312. Placement of probationer in program by**  
6 **juvenile court.**

7

8           (a) A juvenile court may, as a condition of  
9 probation, order that a juvenile who has been adjudicated  
10 delinquent participate in an intensive supervision program  
11 established under this article, provided:

12

13           (i) Space is available in the program;

14

15           (ii) The juvenile probationer agrees to  
16 participate in the program;

17

18           (iii) The department determines the probationer  
19 has a reasonable likelihood of successfully participating  
20 in the program; and

21

22           (iv) The legislature has specifically  
23 appropriated funds or other unencumbered funds are

1 available to pay for the probationer's participation in the  
2 program.

3

4 (b) The department shall be responsible for including  
5 in the predispositional study to the juvenile court any  
6 recommendations for the utilization of an intensive  
7 supervision program created under this article.

8

9 **14-6-313. Program participation as an alternative to**  
10 **probation revocation.**

11

12 (a) The department may, as an alternative to  
13 recommending revocation of probation, offer any juvenile  
14 probationer who is not already participating in an  
15 intensive supervision program the opportunity to  
16 participate in a program authorized under this article,  
17 provided:

18

19 (i) Space and funding is available for the  
20 probationer's participation in the program;

21

22 (ii) The department determines the probationer  
23 has a reasonable likelihood of successfully participating  
24 in the program;



1

2 (iii) The probationer agrees to participate in  
3 the program; and

4

5 (iv) The department shall notify the juvenile  
6 court and the prosecuting attorney of the probationer's  
7 agreement to participate in an intensive supervision  
8 program.

9

10 **14-6-314. Administrative sanctions for program**  
11 **violations.**

12

13 (a) The department is authorized to establish by rule  
14 and regulation a system of administrative sanctions as an  
15 alternative to probation revocation for juvenile  
16 probationers who violate the rules and restrictions of an  
17 intensive supervision program established under this  
18 article.

19

20 (b) Authorized sanctions may include:

21

22 (i) Loss or restriction of privileges;

23

24 (ii) Community service; and

1

2 (iii) Restrictions on personal liberty including  
3 placement in a juvenile detention facility for not more  
4 than ten (10) days, if the probationer has attained the age  
5 of twelve (12) years.

6

7 **Section 2.** W.S. 1-12-116(b) (intro), 1-16-102(c),  
8 1-16-103(a), 1-16-301(b), 1-16-307(b), 1-16-308(b),  
9 1-16-309(b), 1-40-119(a) (iv), 2-4-107(a) (iii),  
10 6-2-306(d) (iii), 6-2-313(a), 7-1-109(g) (ii),  
11 7-19-301(a) (ii), (iv) (F) and (xiii), 9-1-636(d) (vii),  
12 14-3-201, 14-3-202(a) (intro), (ii) (intro), (B), (ix)  
13 through (xi) and by creating a new paragraph (xv),  
14 14-3-203(a) (i), 14-3-204(a) (ii) through (iv), 14-3-205 by  
15 creating new subsections (c) and (d), 14-3-206(a) and  
16 (c) (intro), 14-3-208(a), (b) and (d), 14-3-209,  
17 14-3-212(a), (c) (iii), by creating new paragraphs (iv) and  
18 (v), by creating a new subsection (d) and by renumbering  
19 (d) as (e), 14-3-213(a), (b) (intro), (c), (d) (i) through  
20 (iii), (e), (f) and by creating new subsections (g) through  
21 (o), 14-3-214(a), (b) (intro), by creating a new paragraph  
22 (viii) and (e) (intro), 14-3-402(a) (x), (xii) (A),  
23 (B) (intro), (xiii), (xvi) (intro), by creating new  
24 paragraphs (xviii) through (xxii) and by renumbering

1 (xviii) as (xxiii), 14-3-405(a)(intro) and by creating new  
2 subsections (b) through (e), 14-3-406(a)(intro) and (b),  
3 14-3-407(a), (c) and by creating a new subsection (d),  
4 14-3-408(a), 14-3-409(a), (c), (d)(intro) and (i),  
5 14-3-410, 14-3-412(b) by creating a new paragraph (v),  
6 14-3-414(e), 14-3-416, 14-3-417, 14-3-418(a), (b)(intro)  
7 and by creating a new paragraph (iii), 14-3-426(c),  
8 14-3-427(a)(intro), (ii) through (iv), (b), (c)(ii), (iv),  
9 (v), by creating a new paragraph (vi), (d) by creating new  
10 paragraphs (iii) through (v), by amending and renumbering  
11 (iii) as (vi), (e), (j) and by creating new subsections (k)  
12 through (n), 14-3-428, 14-3-429(a)(i), (iii), (b)(i), (iv)  
13 and (c)(ii), 14-3-431(b) and by creating a new subsection  
14 (g), 14-4-101(a)(vi)(O), by creating new subparagraphs (P)  
15 and (Q) and by creating new paragraphs (viii) and (ix),  
16 14-4-102(b)(vi), (viii) and by creating a new subsection  
17 (c), 14-4-104(b)(intro), (e) and by creating a new  
18 subsection (f), 14-4-107, 14-4-113(a), 14-6-201(a)(ix),  
19 (xii), (xiv), (xvii), by creating new paragraphs (xxvi) and  
20 (xxvii), by renumbering (xxvi) as (xxviii), (c)(i),  
21 (ii)(intro), (A), (C) and (iii) through (vi), 14-6-203(d),  
22 (f)(intro) and (g)(vi), 14-6-209(a) and (c), 14-6-210,  
23 14-6-212(b) by creating a new paragraph (v), 14-6-214(e),  
24 14-6-216, 14-6-218(a) and (b)(intro), 14-6-222(b) and (d),

1 14-6-226(c), 14-6-227(a)(intro), (ii) through (iv), (b),  
2 (c)(ii), (iv), (v), by creating a new paragraph (vi), (d)  
3 by creating new paragraphs (iii) and (iv), by amending and  
4 renumbering (iii) as (v), (e), (f), (j) and by creating new  
5 subsections (k) through (o), 14-6-228, 14-6-229(a)(i),  
6 (iii), (e)(ii)(B), (iii) and by creating a new subsection  
7 (r), 14-6-233(a), 14-6-236(a), 14-6-239(d),  
8 14-6-301(a)(intro) and by creating a new paragraph (viii),  
9 14-6-302(a)(intro) and (i), 14-6-305(c)(ii),  
10 14-6-402(a)(xiv) and by creating a new paragraph (xxiii),  
11 14-6-409(a) and (c), 14-6-410, 14-6-412(b) by creating a  
12 new paragraph (v), 14-6-414(e), 14-6-418(a), 14-6-426(c),  
13 14-6-427(a)(intro), (ii) through (iv), (b), (c)(ii), (iv),  
14 (v), by creating a new paragraph (vi), (d) by creating new  
15 paragraphs (iii) and (iv), by amending and renumbering  
16 (iii) as (v), (e), (j) and by creating new subsections (k)  
17 through (o), 14-6-428, 14-6-429(a)(i), (iii), (c)(i)(B) and  
18 (ii), 20-1-113, 20-2-201(a), 20-4-142(a)(vii), 20-4-185(b),  
19 20-6-104(a)(viii), 26-15-135(a)(iii), 35-1-411 and  
20 35-1-417(a)(ii), by amending and renumbering (c) as (b), by  
21 amending and renumbering (e) as (c), by renumbering (b) as  
22 (e) and (f) are amended to read:

23

1           **1-12-116. Confidential communications between family**  
2 **violence and sexual assault advocate and victim.**

3  
4           (b) Except as provided by W.S. ~~14-3-210~~ 14-3-417, a  
5 person exempted from testifying under the provisions of  
6 W.S. 1-12-116 shall not be examined as a witness in any  
7 civil, criminal, legislative or administrative proceeding  
8 concerning the following communications and information:

9  
10           **1-16-102. Interest on judgments.**

11  
12           (c) A periodic payment or installment for child  
13 support or maintenance, which is unpaid on the date due and  
14 which on or after July 1, 1990, becomes a judgment by  
15 operation of law pursuant to W.S. ~~14-2-113,~~ 14-2-204,  
16 ~~20-2-113 or 20-4-120,~~ shall not bear interest.

17  
18           **1-16-103. Penalty assessed on unpaid judgment by**  
19 **operation of law.**

20  
21           (a) As used in this section "judgment by operation of  
22 law" means a periodic payment or installment for child  
23 support or maintenance which is unpaid on the date due and

1 which has become a judgment by operation of law pursuant to  
2 W.S. ~~14-2-113~~, 14-2-204, ~~20-2-113~~ or ~~20-4-123~~.

3  
4 **1-16-301. Judgments and orders to be entered in**  
5 **journal; recordation where real property affected.**

6  
7 (b) No entry will be made in the journal relating to  
8 a judgment by operation of law arising under W.S. ~~14-2-113~~  
9 ~~or~~ 14-2-204.

10  
11 **1-16-307. Index to judgments.**

12  
13 (b) No index shall be made of a judgment by operation  
14 of law arising under W.S. ~~14-2-113~~ or 14-2-204.

15  
16 **1-16-308. Release of satisfied judgment; requirement.**

17  
18 (b) Subsection (a) of this section does not apply to  
19 judgments arising by operation of law under W.S. ~~14-2-113~~  
20 ~~or~~ 14-2-204.

21  
22 **1-16-309. Release of satisfied judgment; liability**  
23 **for failure.**

24

1 (b) Subsection (a) of this section does not apply to  
2 judgments by operation of law arising under W.S. ~~14-2-113,~~  
3 ~~14-2-204, 20-2-113 or 20-4-123.~~

4  
5 **1-40-119. Surcharge to be assessed in certain criminal**  
6 **cases; paid to account.**

7  
8 (a) In addition to any fine or other penalty  
9 prescribed by law, a defendant who pleads guilty or nolo  
10 contendere to, or is convicted of, the following criminal  
11 offenses shall be assessed a surcharge of not less than  
12 fifty dollars (\$50.00) for the offenses specified in  
13 paragraph (v) of this subsection and not less than one  
14 hundred dollars (\$100.00) for the offenses specified in  
15 paragraphs (i) through (iv) of this subsection:

16  
17 (iv) Any violation of W.S. ~~14-3-104~~ 6-2-314 or  
18 ~~14-3-105~~ 6-2-315;

19  
20 **2-4-107. Determination of relationship of parent and**  
21 **child.**

22

1 (a) If for purposes of intestate succession, a  
2 relationship of parent and child shall be established to  
3 determine succession by, through or from a person:

4  
5 (iii) In cases not covered by paragraph (i) of  
6 this subsection, a person born out of wedlock is a child of  
7 the mother. That person is also a child of the father, if  
8 the relationship of parent and child has been established  
9 under the Uniform Parentage Act, W.S. ~~14-2-101~~ 14-2-121  
10 through ~~14-2-120~~ 14-2-128 and 14-2-401 through 14-2-907.

11  
12 **6-2-306. Penalties for sexual assault.**

13  
14 (d) An actor who is convicted of sexual assault shall  
15 be punished by life imprisonment without parole if the  
16 actor has two (2) or more previous convictions for any of  
17 the following designated offenses, which convictions  
18 resulted from charges separately brought and which arose  
19 out of separate occurrences in this state or elsewhere:

20  
21 (iii) A conviction under W.S. ~~14-3-105(a)~~  
22 6-2-315(a), or a criminal statute containing the same or  
23 similar elements as the crime defined by W.S. ~~14-3-105(a)~~  
24 6-2-315(a), if the circumstances of the crime involved a



1 victim who was under the age of sixteen (16) at the time of  
2 the offense and an actor who was at least four (4) years  
3 older than the victim.

4  
5 **6-2-313. Sexual battery.**

6  
7 (a) Except under circumstances constituting a  
8 violation of W.S. 6-2-302 through 6-2-304, 6-2-315 or  
9 6-2-502, ~~or 14-3-105,~~ an actor who unlawfully subjects  
10 another person to any sexual contact is guilty of sexual  
11 battery.

12  
13 **7-1-109. Examination for sexually transmitted diseases**  
14 **required in certain cases; health officers to notify crime**  
15 **victims; results confidential.**

16  
17 (g) As used in this section:

18  
19 (ii) "Sex offense" means sexual assault under  
20 W.S. 6-2-302 through ~~6-2-305~~ 6-2-304, attempted sexual  
21 assault, conspiracy to commit sexual assault, incest under  
22 W.S. 6-4-402 or indecent liberties under W.S. ~~14-3-105~~  
23 6-2-315.

24

1           **7-19-301. Definitions.**

2

3           (a) For purposes of this act:

4

5                   (ii) "Aggravated sex offense" means sexual  
6 assault under W.S. 6-2-302 regardless of the age of the  
7 victim, W.S. 6-2-303 regardless of the age of the victim,  
8 W.S. 6-2-304(a)(ii), or an offense under W.S.  
9 6-2-304(a)(iii) if the victim was under the age of sixteen  
10 (16), incest under W.S. 6-4-402, or an offense under W.S.  
11 ~~14-3-105~~ 6-2-315 provided the victim was under the age of  
12 sixteen (16) and the offender was at least four (4) years  
13 older than the victim, or an attempt to commit an offense  
14 enumerated in this paragraph. "Aggravated sex offense"  
15 includes an offense committed in another jurisdiction,  
16 including a federal court or courts martial, which, if  
17 committed in this state, would constitute an "aggravated  
18 sex offense" as defined in this paragraph;

19

20                   (iv) "Criminal offense against a minor" means the  
21 offenses specified in this paragraph in which the victim is  
22 less than eighteen (18) years of age. "Criminal offense  
23 against a minor" includes an offense committed in another  
24 jurisdiction, including a federal court or courts martial,

1 which, if committed in this state, would constitute a  
2 "criminal offense against a minor" as defined in this  
3 paragraph. "Criminal offense against a minor" includes:

4  
5 (F) Soliciting sexual conduct under W.S.  
6 ~~14-3-104~~ 6-2-314;

7  
8 (xiii) "Sex offense" means the offenses of sexual  
9 assault under W.S. 6-2-304(a)(i) or 6-2-304(a)(iii) if the  
10 victim is sixteen (16) years of age or older, conspiracy to  
11 commit sexual assault as defined by W.S. 6-2-301(a)(v),  
12 indecent liberties under W.S. ~~14-3-105~~ 6-2-315 provided the  
13 victim was at least sixteen (16) and less than eighteen  
14 (18) years of age and the offender was at least four (4)  
15 years older than the victim, or an attempt to commit an  
16 offense enumerated in this paragraph. "Sex offense"  
17 includes an offense committed in another jurisdiction,  
18 including a federal court or courts martial, which, if  
19 committed in this state, would constitute a "sex offense"  
20 as defined in this paragraph;

21

22 **9-1-636. Division of victim services; created;**  
23 **appointment of director and deputy director; administrative**  
24 **and clerical employees; definitions.**

1

2 (d) As used in this act:

3

4 (vii) "Sexual assault" means any act made  
5 criminal under W.S. 6-2-302 through 6-2-304, 6-2-315 and  
6 6-4-402; ~~and 14-3-105;~~

7

8 **14-3-201. Purpose.**

9

10 The purpose of W.S. 14-3-201 through ~~14-3-215~~ 14-3-216 is  
11 to delineate the responsibilities of the state agency,  
12 other governmental agencies or officials, professionals and  
13 citizens to intervene on behalf of a child suspected of  
14 being abused or neglected, to protect the best interest of  
15 the child, ~~or a disabled adult,~~ to further offer protective  
16 services when necessary in order to prevent any harm to the  
17 child or any other children living in the home, ~~or to a~~  
18 ~~disabled adult,~~ to protect children ~~or disabled adults~~ from  
19 abuse or neglect which jeopardize their health or welfare,  
20 to stabilize the home environment, ~~and~~ to preserve family  
21 life whenever possible and to provide permanency for the  
22 child in appropriate circumstances. The child's health,  
23 safety and welfare shall be of paramount concern in  
24 implementing and enforcing this article.

1

2

**14-3-202. Definitions.**

3

4

(a) As used in W.S. 14-3-201 through ~~14-3-215~~

5

14-3-216:

6

7

(ii) "Abuse" means inflicting or causing

8

physical or mental injury, harm or imminent danger to the

9

physical or mental health or welfare of a child other than

10

by accidental means, including abandonment, excessive or

11

unreasonable ~~corporal punishment~~ discipline, malnutrition

12

or substantial risk thereof by reason of intentional or

13

unintentional neglect, and the commission or allowing the

14

commission of a sexual offense against a child as defined

15

by law:

16

17

(B) "Physical injury" means any harm to a

18

child including but not limited to disfigurement,

19

impairment of any bodily organ, skin bruising, if greater

20

~~in magnitude than minor bruising associated with reasonable~~

21

~~corporal punishment~~, bleeding, burns, fracture of any bone,

22

subdural hematoma or substantial malnutrition;

23

1 (ix) "Subject of the report" means any child  
2 reported under W.S. 14-3-201 through ~~14-3-215~~14-3-216 or  
3 the child's parent, guardian or other person responsible  
4 for the child's welfare;

5  
6 (x) "~~Unfounded~~Unsubstantiated report" means any  
7 report made pursuant to W.S. 14-3-201 through ~~14-3-215~~  
8 14-3-216 that is not supported by ~~credible~~a preponderance  
9 of the evidence;

10  
11 (xi) "Substantiated report" means any report of  
12 child abuse or neglect pursuant to W.S. 14-3-201 through  
13 ~~14-3-215~~14-3-216 that is determined upon investigation  
14 that ~~credible~~a preponderance of the evidence of the  
15 alleged abuse or neglect exists;

16  
17 (xv) "Department" means the state department of  
18 family services and its local offices.

19  
20 **14-3-203. Duties of state agency; on-call services.**

21  
22 (a) The state agency shall:  
23

1 (i) Administer W.S. 14-3-201 through ~~14-3-215~~  
2 14-3-216;

3

4 **14-3-204. Duties of local child protective agency.**

5

6 (a) The local child protective agency shall:

7

8 (ii) Receive, assess, investigate or arrange for  
9 investigation and coordinate investigation or assessment of  
10 all reports of known or suspected child abuse or neglect;

11

12 (iii) Within twenty-four (24) hours after  
13 notification of a suspected case of child abuse or neglect,  
14 initiate an investigation or assessment and verification of  
15 every report. A thorough investigation or assessment and  
16 report of child abuse or neglect shall be made in the  
17 manner and time prescribed by the state agency pursuant to  
18 rules and regulations adopted in accordance with the  
19 Wyoming Administrative Procedure Act. If the child  
20 protective agency is denied reasonable access to a child by  
21 a parent or other persons and the agency deems that the  
22 best interest of the child so requires, it shall seek an  
23 appropriate court order by ex parte proceedings or other

1 appropriate proceedings to see the child.† The agency shall  
2 assign a report:

3  
4 (A) For investigation when allegations  
5 contained in the report indicate that criminal charges  
6 could be filed, the child appears to be in imminent danger  
7 and it is likely the child will need to be removed from the  
8 home, or the report alleges a child fatality, major injury  
9 or sexual abuse has occurred;

10  
11 (B) For assessment when the report does not  
12 meet the criteria of subparagraph (A) of this paragraph.

13  
14 (iv) If the investigation or assessment  
15 discloses that abuse or neglect is present, initiate  
16 services with the family of the abused or neglected child  
17 to assist in resolving problems that lead to or caused the  
18 child abuse or neglect;

19  
20 **14-3-205. Child abuse or neglect; persons required to**  
21 **report; penalties.**

22  
23 (c) Any person or agency who knows or has sufficient  
24 knowledge which a prudent and cautious man in similar



1 circumstances would have to believe or suspect that a child  
2 is being or has been abused, neglected, exploited or  
3 abandoned, and knowingly fails to report in accordance with  
4 this article is guilty of a misdemeanor punishable by  
5 imprisonment for not more than one (1) year, a fine of not  
6 more than one thousand dollars (\$1,000.00), or both.

7  
8 (d) Any person commits a misdemeanor punishable by  
9 imprisonment for not more than one (1) year, a fine of not  
10 more than one thousand dollars (\$1,000.00), or both, if he  
11 reports information in accordance with this article and  
12 knows or has reason to know the information is false or  
13 lacks factual foundation.

14  
15 **14-3-206. Child abuse or neglect; written report;**  
16 **statewide reporting center; documentation; costs and**  
17 **admissibility thereof.**

18  
19 (a) Reports of child abuse or neglect or of suspected  
20 child abuse or neglect made to the local child protective  
21 agency or local law enforcement agency shall be followed by  
22 a written report by the agency confirming or not confirming  
23 the facts reported. ~~A written report may be dispensed with~~  
24 ~~for good cause shown.~~ The report shall provide to law

1 enforcement or the department the following, to the extent  
2 available:

3  
4 (i) The name, age and address of the child;

5  
6 (ii) The name and address of any person  
7 responsible for the child's care;

8  
9 (iii) The nature and extent of the child's  
10 condition;

11  
12 (iv) The basis of the reporter's knowledge;

13  
14 (v) The names and conditions of any other  
15 children relevant to the report;

16  
17 (vi) Any evidence of previous injuries to the  
18 child;

19  
20 (vii) Photographs, videos and x-rays with the  
21 identification of the person who created the evidence and  
22 the date the evidence was created; and

23  
24 (viii) Any other relevant information.

1

2 (c) Any person investigating, examining or treating  
3 suspected child abuse or neglect may document evidence of  
4 child abuse or neglect to the extent allowed by law by  
5 having photographs taken or causing x-rays to be made of  
6 the areas of trauma visible on a child who is the subject  
7 of the report or who is subject to a report. The reasonable  
8 cost of the photographs or x-rays shall be reimbursed by  
9 the appropriate local child protective agency. All  
10 photographs, x-rays or copies thereof shall be sent to the  
11 local child protective agency, admissible as evidence in  
12 any civil proceeding relating to child abuse or neglect,  
13 and shall state:

14

15 **14-3-208. Temporary protective custody; order; time**  
16 **limitation; remedial health care.**

17

18 (a) When a ~~physician treating a child or a medical~~  
19 ~~staff member of a hospital in which a child is being~~  
20 ~~treated has reasonable cause to believe there exists an~~  
21 ~~imminent danger to the child's life or safety unless the~~  
22 ~~child~~ is taken into temporary protective custody ~~and there~~  
23 ~~is not time to apply for a court order, the child may be~~  
24 ~~taken into temporary protective custody without a warrant~~

~~1 or court order and without the consent of the parents,~~  
~~2 guardians or others exercising temporary or permanent~~  
~~3 control over the child. Any person taking a child into~~  
~~4 temporary protective custody pursuant to W.S. 14-3-405(a)~~  
~~5 through (c), the person, agency or court taking custody~~  
6 shall as soon as possible immediately notify the  
7 ~~appropriate local child protective agency. Upon~~  
8 ~~notification, the local child protective agency shall~~  
9 ~~initiate an investigation of the notification and make~~  
10 ~~every reasonable effort to inform the parent or other~~  
11 ~~person responsible for the child's welfare that the child~~  
12 ~~has been taken into temporary protective custody.~~  
13 department of family services office and place or transfer  
14 temporary protective custody to the local department of  
15 family services office as soon as practicable. The local  
16 department of family services office shall:

17  
18 (i) Accept physical custody of the child;

19  
20 (ii) Arrange for care and supervision of the  
21 child in the most appropriate and least restrictive setting  
22 necessary to meet the child's needs, which may be a foster  
23 home or other child care facility certified by the  
24 department or approved by the court, or when it is in the

1 best interest of the child, the department may place the  
2 child with the child's noncustodial birth parent or with  
3 the child's extended family, including adult siblings,  
4 grandparents, great-grandparents, aunts or uncles, when  
5 placement with the extended family member is approved by  
6 the department, prior to placing the child in an  
7 alternative out-of-home care facility. Prior to approving  
8 placement with the child's noncustodial birth parent or  
9 extended family, the department shall investigate whether  
10 anyone living in the home has been convicted of a crime  
11 involving serious harm to children or has a substantiated  
12 case listed on the central registry established pursuant to  
13 W.S. 14-3-213. The department may leave the child in the  
14 care of a physician or hospital when necessary to ensure  
15 the child receives proper care. No neglected child shall be  
16 placed in a jail or detention facility other than for a  
17 delinquent act;

18  
19 (iii) Initiate an investigation of the  
20 allegations and make every reasonable effort to inform the  
21 parent or other person responsible for the child's welfare  
22 that the child has been taken into temporary protective  
23 custody; and

24

1           (iv) Assess the child's mental and physical  
2 needs, provide for the child's ordinary and emergency  
3 medical care and seek emergency court authorization for any  
4 extraordinary medical care that is needed prior to the  
5 shelter care hearing.

6  
7           ~~(b) Any district court judge, district court~~  
8 ~~commissioner or justice of the peace may issue a~~ The  
9 department shall promptly notify the court and the district  
10 attorney of any child taken into temporary protective  
11 custody ~~order upon finding that a child's life or safety is~~  
12 ~~in danger. That order may be requested by the state agency,~~  
13 ~~the local child protective agency, a local law enforcement~~  
14 ~~officer, an administrator of a hospital in which a child~~  
15 ~~reasonably believed to have been abused or neglected is~~  
16 ~~being treated or any physician who reasonably believes a~~  
17 ~~child has been abused or neglected, whether or not~~  
18 ~~additional medical treatment is required, and that the~~  
19 ~~child, by continuing in his place of residence or in the~~  
20 ~~care and custody of the person responsible for his welfare,~~  
21 ~~would be in imminent danger of his life or health. The~~  
22 ~~local child protective agency shall be notified of the~~  
23 order and placed in its care pursuant to W.S. 14-3-405

1 without a court order and shall deliver the child to the  
2 court upon request.

3  
4 (d) When ~~necessary for the best interest or welfare~~  
5 ~~of a child, a~~ the court ~~may order medical or nonmedical~~  
6 ~~remedial health care notwithstanding the absence of a prior~~  
7 ~~finding of child abuse or neglect.~~ orders the child into  
8 the legal custody of the department pursuant to W.S.  
9 14-3-409(d) or 14-3-429, the department shall:

10  
11 (i) Accept legal custody of the child;

12  
13 (ii) Continue or arrange for, care and  
14 supervision of the child as provided in paragraph (a)(ii)  
15 of this section;

16  
17 (iii) Participate in multidisciplinary team  
18 meetings to develop treatment recommendations for the  
19 child;

20  
21 (iv) Arrange for the provision of the education  
22 of the child, including participation in individualized  
23 education planning if the child is receiving special  
24 education services;

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(v) Assess the child's mental and physical health needs, provide for the child's ordinary and emergency medical care;

(vi) Perform any other duties ordered by the court relating to the care or custody of the child.

**14-3-209. Immunity from liability.**

Any person, official, institution or agency participating in good faith in any act required or permitted by W.S. 14-3-201 through ~~14-3-215~~14-3-216 is immune from any civil or criminal liability that might otherwise result by reason of the action. For the purpose of any civil or criminal proceeding, the good faith of any person, official or institution participating in any act permitted or required by W.S. 14-3-201 through ~~14-3-215~~14-3-216 shall be presumed.

**14-3-212. Child protection teams; creation; composition; duties; records confidential.**



1 (a) The state agency and the local child protective  
2 agency shall encourage and assist in the creation of  
3 ~~multi-disciplinary~~ child protection teams within the  
4 communities in the state. The purposes of the child  
5 protection teams shall be to identify or develop community  
6 resources to serve abused and neglected children within the  
7 community, to advocate for improved services or procedures  
8 for such children, to provide information and assistance to  
9 multidisciplinary teams, if a multidisciplinary team has  
10 been appointed, and to review cases to improve overall  
11 outcomes.

12  
13 (c) The local child protection team may:

14  
15 (iii) ~~Provide~~ Assist the multidisciplinary team  
16 with the provision of an adequate treatment plan for the  
17 abused and neglected child and his family;-

18  
19 (iv) Identify or develop community resources to  
20 serve abused and neglected children and advocate for  
21 improved services and procedures for such children; and

22  
23 (v) Identify training needs, sponsor training  
24 and raise community awareness of child protection issues.

1

2 (d) The local child protection team shall not act as  
3 the multidisciplinary team for a child unless the  
4 membership meets the requirements of W.S. 14-3-427(c).

5

6 ~~(d)~~ (e) All records and proceedings of the child  
7 protection teams are subject to W.S. 14-3-214.

8

9 **14-3-213. Central registry of child protection cases;**  
10 **establishment; department recordkeeping; purpose of central**  
11 **registry, recordkeeping and information management;**  
12 **classifications, status and contents; administrator**  
13 **duties; operation of registry; requests for information;**  
14 **amendment, expungement or sealing of records; rules and**  
15 **regulations; program administration account.**

16

17 (a) The ~~state agency~~ department shall establish and  
18 maintain within the ~~statewide~~ department a record of all  
19 child protection ~~center~~ reports and a central registry of  
20 child protection cases in accordance with W.S. 42-2-111.

21

22 (b) ~~Through the recording of reports, the central~~  
23 ~~registry~~ The department's recordkeeping system shall be  
24 operated to enable the ~~center~~ department to:

1

2           (c) ~~With the approval of the local child protective~~  
3 ~~agency, upon good cause shown and upon notice to the~~  
4 ~~subject of the report, the state agency may amend, expunge~~  
5 ~~or remove any record from~~ The department shall maintain a  
6 central registry for the purpose of identifying  
7 perpetrators of abuse or neglect of a child as specified in  
8 this section. The department shall provide access to the  
9 central registry information only as authorized in this  
10 section. The department shall manage the central registry  
11 to enable it to list, amend, seal or expunge central  
12 registry records without affecting the contents of the  
13 department's recordkeeping system. The central registry  
14 shall be a registry of information concerning:

15

16                   (i) Each conviction of an offense pursuant to  
17 W.S. 6-2-503, 6-2-314 or 6-2-315;

18

19                   (ii) Each adjudicated petition of neglect  
20 commenced pursuant to W.S. 14-3-412; and

21

22                   (iii) Each case of substantiated child abuse or  
23 neglect reported under this article where the department  
24 determines pursuant to its rules and regulations that

1 circumstances of the incident warrant listing the  
2 information of the case on the central registry in order to  
3 provide adequate notice of potential risks to other  
4 children.

5  
6 (d) All reports of child abuse or neglect contained  
7 within the central registry shall be classified in one (1)  
8 of the following categories:

9  
10 (i) "~~Under investigation~~ Status pending";

11  
12 (ii) "~~Founded~~ Substantiated"; or

13  
14 (iii) "~~Closed~~ Unsubstantiated."

15  
16 (e) Within six (6) months any report classified as  
17 "~~under investigation~~ status pending" shall be reclassified  
18 as "~~founded~~ substantiated" or "~~closed~~ unsubstantiated"  
19 depending upon the results of the investigation except upon  
20 a showing of good cause by the department. Unfounded  
21 Unsubstantiated reports shall be expunged from the central  
22 registry, but not from the department's recordkeeping  
23 system.

24

1           (f) ~~Any person named as a perpetrator of child abuse~~  
2 ~~or neglect in any report maintained in the central registry~~  
3 ~~which is classified as a substantiated report as defined in~~  
4 ~~W.S. 14-3-202(a)(xi) shall have the right to have included~~  
5 ~~in the report his~~ The central registry record shall  
6 contain:

7  
8           (i) Summary information about the circumstances  
9 of the report of substantiated child abuse or neglect  
10 received under this section;

11  
12           (ii) The final disposition of any report,  
13 including the services that were offered and accepted or  
14 the plan for rehabilitative treatment;

15  
16           (iii) The name and identifying data, date and  
17 circumstances of any person requesting or receiving  
18 information from the central registry;

19  
20           (iv) Summary information about a conviction or  
21 adjudication pursuant to paragraphs (i) through (iii) of  
22 this subsection; and

23

1           (v) Other information that is determined by the  
2 department to be necessary to further the purposes of this  
3 article, including a statement by any person named as a  
4 perpetrator in any report concerning the incident giving  
5 rise to ~~the~~any report. Any person seeking to include a  
6 statement pursuant to this ~~subsection~~paragraph shall  
7 provide the state agency with the statement. The state  
8 agency shall provide notice to any person identified as a  
9 perpetrator of his right to submit his statement in any  
10 report maintained in the central registry.

11  
12           (g) The department shall appoint an administrator of  
13 the central registry who shall have charge of the registry.  
14 Except as provided in subsection (h) of this section, in  
15 creating and maintaining the central registry the  
16 department shall:

17  
18           (i) Develop procedures to obtain necessary  
19 information of all incidents of abuse or neglect which meet  
20 the criteria for listing on the central registry from  
21 applicable criminal courts, juvenile courts, local child  
22 protection offices, law enforcement agencies and the  
23 Wyoming division of criminal investigation;

24

1           (ii) Provide written notice to each subject  
2 whose name is received for listing on the central registry  
3 as being a perpetrator of child abuse or neglect. The  
4 notice shall contain:

5  
6           (A) The name of the child;

7  
8           (B) The type of abuse or neglect, including  
9 a brief description of the incident;

10  
11           (C) The date of the incident;

12  
13           (D) The court, local department office or  
14 local law enforcement agency that filed or provided  
15 information for the report;

16  
17           (E) Information about persons or agencies  
18 that have access to the report;

19  
20           (F) Information concerning the subject's  
21 right to have his statement included in the report with  
22 respect to the incident giving rise to the report;

23

1                   (G) Information concerning the subject's  
2 right to have an administrative review and fair hearing  
3 before having his name placed on the central registry as a  
4 perpetrator; and

5  
6                   (H) Information concerning the subject's  
7 rights and responsibilities in regard to amending, sealing  
8 or expunging the report.

9  
10                   (iii) Ensure the due process rights of each  
11 individual whose name is submitted for listing on the  
12 central registry as follows:

13  
14                   (A) Except as provided in subsection (h) of  
15 this section, any person named as a perpetrator of child  
16 abuse or neglect in any report received by the  
17 administrator of the central registry may request an  
18 administrative panel review of the investigation made by a  
19 department local office, local law enforcement agency or  
20 the Wyoming division of criminal investigation and the  
21 determination that the incident requires listing on the  
22 central registry. The request shall be in writing and shall  
23 be made within fourteen (14) days after the date of the  
24 mailing of the notice sent to the subject in accordance



1 with paragraph (ii) of this subsection. Upon receipt of  
2 written notice of the decision of the administrative panel,  
3 the subject shall have thirty (30) days to request a fair  
4 hearing as provided under the Wyoming Administrative  
5 Procedure Act to determine whether the record of the report  
6 is accurate and there is a preponderance of evidence to  
7 support a finding of child abuse or neglect so that the  
8 subject's name should be placed on the registry as a  
9 perpetrator. The burden of proof in the hearing shall be on  
10 the department. The administrative hearing officer may take  
11 administrative notice of any criminal conviction or  
12 juvenile court adjudication regarding the incident,  
13 provided the burden of proof was based on at least a  
14 preponderance of the evidence;

15  
16 (B) Prior to the central registry review  
17 requested pursuant to subparagraph (A) of this paragraph,  
18 if the administrator of the central registry determines by  
19 a preponderance of the evidence that the name of the  
20 subject investigated warrants placement on the central  
21 registry as a perpetrator, the subject's name shall be  
22 designated "status pending," pending the outcome of the  
23 subsequent review and hearing authorized in this  
24 subsection. Only those entities that are authorized to

1 receive information concerning the central registry  
2 pursuant to W.S. 14-3-214 may obtain information concerning  
3 those reports designated as "status pending."

4  
5 (h) The notice, review and appeal provisions of  
6 subsection (g) of this section shall not apply to a subject  
7 who has been convicted of an offense specified in paragraph  
8 (c)(i) of this section or adjudicated for neglect as  
9 specified in paragraph (c)(ii) of this section. The  
10 administrator shall place the name of a subject who has  
11 been convicted of one (1) of the criminal offenses  
12 specified in paragraph (c)(i) of this section or  
13 adjudicated for neglect as specified in paragraph (c)(ii)  
14 of this section on the registry as soon as possible after  
15 receiving the information and verifying the information  
16 with the local department office, applicable criminal court  
17 or the Wyoming division of criminal investigation.

18  
19 (j) At any time, the subject of a report may receive,  
20 upon a written notarized request or upon personal request  
21 with proof of identification, a report of all information  
22 pertinent to the subject's case contained in the central  
23 registry, but the administrator of the central registry is  
24 authorized to prohibit the release of data that would

1 identify the person who made the report or who cooperated  
2 in a subsequent investigation and that the administrator  
3 reasonably finds to be detrimental to the safety or  
4 interests of such persons. A person requesting registry  
5 information pursuant to this subsection shall pay the  
6 applicant fee established in subsection (n) of this section  
7 and the collection and use of the fee shall be in  
8 accordance with the provisions of subsection (o) of this  
9 section.

10  
11 (k) The department shall establish rules and  
12 regulations governing the amending, expunging and sealing  
13 of central registry listings. The rules and regulations  
14 shall include a right of expungement for a first-time  
15 listing of a subject on the registry which is based on a  
16 minor offense if two (2) years have lapsed since the  
17 incident, the subject has not had a subsequent listing and  
18 an administrative review panel has determined that good  
19 cause exists for expunging the record. To implement the  
20 rules and regulations under this subsection, the following  
21 shall apply:

22  
23 (i) The department or administrator of the  
24 central registry shall:

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(A) Submit qualifying requests by the subject to amend, seal or expunge a record to an administrative review panel to determine if good cause exists to expunge a record pursuant to department rules and regulations;

(B) Through rulemaking, define "minor offense" and "good cause," except that minor offense shall not include any incident involving sexual abuse;

(C) Provide a written response to all requests to amend, seal or expunge a listing on the central registry;

(D) Destroy the central registry record of any listing that has been expunged.

(ii) Except as otherwise provided in subparagraphs (i) (A) and (B) of this subsection, the record of the reports to the central registry shall be sealed no later than ten (10) years after the child victim of the report reaches eighteen (18) years of age. Once sealed, the record shall not otherwise be available unless the

1 administrator of the central registry, pursuant to rules  
2 established by the department, and upon notice to the  
3 subject of the report, gives his personal approval for an  
4 appropriate reason to keep the record available. No central  
5 registry record involving a report of sexual abuse or of a  
6 criminal conviction shall be sealed.

7  
8 (m) The department shall adopt rules and regulations  
9 as necessary to carry out the requirements of this section  
10 and to encourage cooperation with other states and the  
11 national center on child abuse and neglect.

12  
13 (n) Upon appropriate application, the state agency  
14 shall provide to any chapter of a nationally recognized  
15 youth organization, child caring facility certified under  
16 W.S. 14-4-101 et seq., public or private school or state  
17 institution for employee or volunteer screening purposes a  
18 summary of records maintained under department of family  
19 services rules since December 31, 1986, concerning abuse or  
20 neglect of a child or vulnerable adult involving a named  
21 individual or confirm that no substantiated records exist.  
22 The applicant shall submit a fee of ten dollars (\$10.00)  
23 and proof satisfactory to the state agency that the  
24 prospective or current employee or volunteer whose records

1 are being checked consents to the release of the  
2 information to the applicant. Central registry screening  
3 shall be limited to substantiated reports of abuse or  
4 neglect against a child, in which opportunities for due  
5 process have been exhausted under the Wyoming  
6 Administrative Procedure Act, including an appeal through  
7 the district court level. The applicant shall use the  
8 information received only for purposes of screening  
9 prospective employees and volunteers who may, through their  
10 employment or volunteer services, have unsupervised access  
11 to minors or vulnerable adults. Applicants, their employees  
12 or other agents shall not otherwise divulge or make public  
13 any information received under this section. The department  
14 shall notify any applicant receiving a report under this  
15 section that a prospective employee or volunteer is under  
16 investigation, of the final disposition of that  
17 investigation or whether an appeal is pending. The  
18 department shall notify any applicant receiving information  
19 under this subsection of any subsequent reclassification of  
20 the information pursuant to W.S. 14-3-213(e). The  
21 department shall screen all prospective agency employees in  
22 conformity with the procedures provided under this section.

23

1       (o) There is created a program administration account  
2 within the earmarked revenue fund to be known as the "child  
3 and vulnerable adult abuse registry account." All fees  
4 collected under subsection (j) of this section shall be  
5 credited to this account.

6  
7       **14-3-214. Confidentiality of records; penalties;**  
8 **access to information; attendance of school officials at**  
9 **interviews; access to central registry records pertaining**  
10 **to child protection cases.**

11  
12       (a) All records concerning reports and investigations  
13 of child abuse or neglect are confidential except as  
14 provided by W.S. 14-3-201 through ~~14-3-215~~14-3-216. Any  
15 person who willfully violates this subsection is guilty of  
16 a misdemeanor and upon conviction shall be fined not more  
17 than five hundred dollars (\$500.00) or imprisoned in the  
18 county jail not more than six (6) months, or both.

19  
20       (b) Applications for access to records concerning  
21 child abuse or neglect contained in the state agency or  
22 local child protective agency shall be made in the manner  
23 and form prescribed by the state agency. Upon appropriate  
24 application, the state agency shall give access to any of

1 the following persons or agencies for purposes directly  
2 related with the administration of W.S. 14-3-201 through  
3 ~~14-3-215~~ 14-3-216:

4  
5 (viii) An education or mental health  
6 professional serving the child, if the state agency  
7 determines the information is necessary to provide  
8 appropriate educational or therapeutic interventions.

9  
10 (e) Nothing in W.S. 14-3-201 through ~~14-3-215~~ 14-3-216  
11 prohibits the attendance of any one (1) of the following at  
12 an interview conducted on school property by law  
13 enforcement or child protective agency personnel of a child  
14 suspected to be abused or neglected provided the person is  
15 not a subject of the allegation:

16  
17 **14-3-402. Definitions.**

18  
19 (a) As used in this act:

20  
21 (x) "Legal custody" means a legal status created  
22 by court order which vests in a custodian the right to have  
23 physical custody of a minor, the right and duty to protect,  
24 train and discipline a minor, the duty to provide him with



1 food, shelter, clothing, transportation, ordinary medical  
2 care, education and in an emergency, the right and duty to  
3 authorize surgery or other extraordinary medical care. The  
4 rights and duties of legal custody are subject to the  
5 rights and duties of the guardian of the person of the  
6 minor, and to residual parental rights and duties;

7  
8 (xii) "Neglected child" means a child:

9  
10 (A) ~~Whose custodian~~ Who has ~~failed or~~  
11 ~~refused to provide adequate care, maintenance, supervision,~~  
12 ~~education or medical, surgical or any other care necessary~~  
13 ~~for the child's well being~~ been subjected to neglect as  
14 defined in W.S. 14-3-202(a)(vii);

15  
16 (B) Who has ~~been abused by the inflicting~~  
17 ~~or causing of physical or mental injury, harm or imminent~~  
18 ~~danger to the physical or mental health or welfare of the~~  
19 ~~child, other than by accidental means, including~~  
20 ~~abandonment, excessive or unreasonable corporal punishment,~~  
21 ~~malnutrition or substantial risk thereof by reason of~~  
22 ~~intentional or unintentional neglect, and the commission or~~  
23 ~~allowing the commission of a sexual offense against a child~~

1 ~~as defined by law~~ been subjected to abuse as defined in  
2 W.S. 14-3-202(a)(ii):

3  
4 (xiii) "Parent" means either a natural or  
5 adoptive parent of the child, a person adjudged the parent  
6 of the child in judicial proceedings or a man presumed to  
7 be the father under W.S. ~~14-2-102~~ 14-2-404;

8  
9 (xvi) "Residual parental rights and duties"  
10 means those rights and duties remaining with the parents  
11 after legal custody, guardianship of the person or both  
12 have been vested in another person, agency or institution.  
13 Residual parental rights and duties include but are not  
14 limited to:

15  
16 (xviii) "Convicted" or "conviction" means an  
17 unvacated determination of guilt by any court having legal  
18 jurisdiction of the offense and from which no appeal is  
19 pending. Pleas of guilty and nolo contendere shall be  
20 deemed convictions for the purposes of this section.  
21 Dispositions pursuant to W.S. 7-13-301 or 35-7-1037 shall  
22 not be convictions for purposes of this section;

23

1           (xix) "Judicial officer" means a district court  
2 judge, a juvenile court judge, a circuit court judge, a  
3 district court commissioner or a magistrate;

4  
5           (xx) "Ordinary medical care" means medical,  
6 dental and vision examinations, routine medical, dental and  
7 vision treatment and emergency surgical procedures, but  
8 does not include nonemergency surgical procedures;

9  
10           (xxi) "Temporary protective custody" means a  
11 legal status created prior to a shelter care hearing when a  
12 court, law enforcement officer, physician, physician's  
13 assistant or nurse practitioner takes a child into  
14 protective custody pursuant to W.S. 14-3-405. Temporary  
15 protective custody vests in a custodian the duty to protect  
16 the child and arrange for the provision of food, shelter,  
17 clothing, transportation, ordinary medical care and  
18 education. Temporary protective custody is transferred from  
19 the law enforcement officer, physician, physician's  
20 assistant or nurse practitioner to the local child  
21 protection agency as soon as practicable to facilitate such  
22 care. Temporary protective custody divests the parent or  
23 custodian of his right to the custody and control of the  
24 child;

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(xxii) "Transportation" means the provision of a means to convey the child from one place to another by the custodian or someone acting on his behalf in the performance of required duties, but does not require the state to provide incidental travel or to purchase a motor vehicle for the child's own use to travel;

~~(xviii)~~ (xxiii) "This act" means W.S. 14-3-401 through 14-3-440.

**14-3-405. Taking of child into custody; when permitted.**

(a) A child may be taken into custody by a law enforcement officer without a warrant or court order and without the consent of the parents, guardians or others exercising temporary or permanent control over the child when:

(b) A child may be taken into temporary protective custody by a physician, physician's assistant or nurse practitioner without a warrant or court order and without the consent of the parents, guardians or others exercising

1 temporary or permanent control over the child when the  
2 physician, physician's assistant or nurse practitioner  
3 treating the child, or a hospital in which the child is  
4 being treated, finds that there are reasonable grounds to  
5 believe an imminent danger to the child's life, health or  
6 safety exists unless the child is taken into protective  
7 custody, whether or not additional medical treatment is  
8 required, and there is not time to apply for a court order.

9  
10 (c) Any judicial officer upon emergency petition by a  
11 district attorney, at the request of the state agency, a  
12 local law enforcement officer, an administrator of a  
13 hospital in which a child reasonably believed to have been  
14 abused or neglected is being treated, or any physician,  
15 physician's assistant or nurse practitioner who reasonably  
16 believes a child has been abused or neglected and that the  
17 child, by continuing in his place of residence or in the  
18 care and custody of the person responsible for his health,  
19 safety and welfare, would be in imminent danger of his  
20 life, health or safety, may:

21  
22 (i) Issue an ex parte order or search warrant  
23 upon finding there is reasonable cause to believe that a  
24 child's life or safety is in danger. The order shall place

1 the child in the temporary protective custody of the local  
2 child protection agency;

3  
4 (ii) Issue an emergency order or search warrant  
5 upon application and hearing, authorizing ordinary or  
6 emergency care of the child or authorizing a forensic  
7 examination to collect evidence.

8  
9 (d) Temporary protective custody shall not exceed  
10 seventy-two (72) hours.

11  
12 (e) When necessary for the best interest or welfare  
13 of the child, a court may order medical or nonmedical  
14 remedial health care notwithstanding the absence of a prior  
15 finding of child abuse or neglect.

16  
17 **14-3-406. Child in custody; no shelter care placement**  
18 **without court order; exceptions; notice to parent or**  
19 **guardian; release.**

20  
21 (a) A child taken into temporary protective custody  
22 shall not be placed in ~~shelter care~~ the custody of the  
23 department of family services without a court order unless  
24 shelter care is required to:

1

2 (b) Any person taking a child into temporary  
3 protective custody under this article shall as soon as  
4 possible notify the child's parent, guardian or custodian.  
5 Unless the child's shelter care is authorized by court  
6 order or required for one (1) of the reasons in subsection  
7 (a) of this section, the child shall be released to the  
8 care of his parent, guardian, custodian or other  
9 responsible adult upon that person's written promise to  
10 present the child before the court upon request.

11

12 **14-3-407. Shelter care; delivery of child pending**  
13 **hearing; placing children; notice if no court order.**

14

15 (a) If shelter care of a child appears necessary to  
16 the person taking custody of the child, the child shall be  
17 delivered as soon as possible to the court or to the  
18 ~~shelter care facility designated by the court~~ department of  
19 family services pending a hearing.

20

21 (c) The ~~person in charge of any shelter care facility~~  
22 department of family services shall promptly notify the  
23 court and the district attorney of any child being cared

1 for ~~at the facility~~ by the department without a court order  
2 and shall deliver the child to the court upon request.

3  
4 (d) The department of family services shall care for  
5 the child under this section pursuant to temporary  
6 protective custody provisions as specified in W.S.  
7 14-3-208.

8  
9 **14-3-408. Notice of shelter care to be given district**  
10 **attorney; written statement required; duty of district**  
11 **attorney.**

12  
13 (a) When a child is taken into temporary protective  
14 custody without a court order and is placed in shelter care  
15 pursuant to W.S. 14-3-405(a) or (b), the person or agency  
16 taking temporary protective custody of the child shall  
17 notify the district attorney without delay. Also the person  
18 shall as soon as possible file a brief written statement  
19 with the district attorney setting forth the facts which  
20 led to taking the child into custody and the reason why the  
21 child was not released.

22



1           **14-3-409. Taking of child into custody; informal**  
2 **hearing where no court order; conditional release;**  
3 **evidence; rehearing.**

4  
5           (a) When a child is ~~placed in shelter care~~ taken into  
6 temporary protective custody without a court order or under  
7 an ex parte emergency order, a petition as provided in W.S.  
8 14-3-412 shall be promptly filed and presented to the  
9 court. An informal shelter care hearing shall be held as  
10 soon as reasonably possible not later than ~~seventy-two (72)~~  
11 twenty-four (24) hours, excluding weekends and legal  
12 holidays, after the child is taken into temporary  
13 protective custody to determine if further shelter care is  
14 required pending further court action. Written notice  
15 stating the time, place and purpose of the hearing shall be  
16 given to the child and to his parents, guardian or  
17 custodian pursuant to W.S. 14-3-414.

18  
19           (c) The parents, guardian or custodian shall be given  
20 an opportunity to admit or deny the allegations in the  
21 petition. If the allegations are admitted, the court shall  
22 make the appropriate adjudication and may proceed  
23 immediately to a disposition of the case in accordance with  
24 the provisions of W.S. 14-3-429. If denied, the court shall

1 ~~set a time not to exceed sixty (60) hold an adjudicatory~~  
2 ~~hearing within thirty (30) days for an adjudicatory hearing~~  
3 ~~after the date a petition is filed unless the court finds~~  
4 ~~good cause to delay or postpone the hearing. In no case~~  
5 ~~shall the court hold the adjudicatory hearing more than~~  
6 ~~ninety (90) days after the date the petition is filed.~~

7  
8 (d) Regardless of whether the allegations in the  
9 petition are admitted or denied, the court shall determine  
10 whether or not the child's full-time shelter care is  
11 required pending further proceedings. If the court  
12 determines that shelter care is required, the court shall  
13 order the child placed in the legal custody of the  
14 department of family services. If the court finds that  
15 full-time shelter care is not required, the court shall  
16 order the child released and may impose one (1) or more of  
17 the following conditions:

18  
19 (i) Place the child in the custody and  
20 supervision of his parents, guardian or custodian, under  
21 the protective supervision of the department of family  
22 services or under the supervision of any individual or  
23 organization approved by the court that agrees to supervise  
24 the child; or

1

2           **14-3-410. Hearing conducted by judicial officer;**  
3 **authority and duty; review by court.**

4

5           (a) In the absence or incapacity of the juvenile  
6 court judge, the shelter care hearing may be conducted by a  
7 ~~district court commissioner~~ another judicial officer of the  
8 county in which the child is being held in shelter care.

9

10           (b) The ~~commissioner~~ judicial officer may make any  
11 order concerning the child's release or continued shelter  
12 care as authorized to the judge under W.S. 14-3-409. If the  
13 child is not released after the hearing, the ~~commissioner~~  
14 judicial officer shall promptly file with the court a  
15 complete written resume of the evidence adduced at the  
16 hearing and his reasons for not releasing the child. The  
17 ~~commissioner~~ judicial officer may also issue subpoenas or  
18 search warrants, order physical or medical examinations and  
19 authorize emergency medical, surgical or dental treatment  
20 all as provided in W.S. 14-3-417 through 14-3-420. Only the  
21 ~~commissioner~~ juvenile court judge shall ~~not~~ make final  
22 orders of adjudication or disposition.

23

1 (c) The juvenile court judge shall review the  
2 reports, orders and actions of the ~~commissioner~~judicial  
3 officer as soon as reasonably possible and confirm or  
4 modify the ~~commissioner's~~judicial officer's orders and  
5 actions as it deems appropriate.

6  
7 **14-3-412. Commencement of proceedings; contents of**  
8 **petition.**

9  
10 (b) The petition shall set forth all jurisdictional  
11 facts, including but not limited to:

12  
13 (v) Whether the child is an Indian child as  
14 defined in the federal Indian Child Welfare Act and, if so,  
15 a statement setting forth with particularity the notice  
16 provided to the appropriate tribal court and the basis for  
17 the juvenile court's jurisdiction in the matter.

18  
19 **14-3-414. Service of process; order of custody.**

20  
21 (e) When personal service of order to appear is made  
22 within the state, service ~~must~~shall be completed not less  
23 than two (2) days before the hearing and when made outside  
24 the state, service ~~must~~shall be completed not less than

1 five (5) days before the hearing. However, notwithstanding  
2 any provision within this act, the court may order that a  
3 child be taken into custody as provided in W.S. 14-3-413 or  
4 that a child be held in shelter care pending further  
5 proceedings as provided in W.S. 14-3-409, even though  
6 service of order to appear on the parents, guardian or  
7 custodian of the child is not complete at the time of  
8 making the order.

9  
10 **14-3-416. Appointment of attorney representing child**  
11 **and court appointed lay advocate.**

12  
13 (a) The court shall appoint a guardian ad litem for a  
14 child who is a party to proceedings under this act if the  
15 child has no parent, guardian or custodian appearing in his  
16 behalf or if the interests of the parents, guardian or  
17 custodian are adverse to the best interest of the child. A  
18 party to the proceeding or employee or representative  
19 thereof shall not be appointed guardian ad litem for the  
20 child in a court proceeding in which the child is alleged  
21 to be abused or neglected. The appointment shall be made  
22 prior to the initial hearing. Any guardian ad litem under  
23 this section shall represent the child's best interests  
24 unless the court orders otherwise and appoints a lay

1 advocate to represent the child's best interests pursuant  
2 to subsection (b) of this section. A guardian ad litem may  
3 still work in conjunction with, or be assisted by, a court  
4 appointed lay advocate appointed pursuant to subsection (b)  
5 of this section.

6  
7 (b) The court may appoint a lay advocate for a child  
8 who is a party to proceedings under this act to represent  
9 the child's best interests in conjunction with the child's  
10 representation by an attorney appointed pursuant to  
11 subsection (a) of this section, provided the appointment is  
12 at no additional cost to the state or the county. A court  
13 appointed special advocate may be appointed by the court as  
14 a lay advocate. A party to the proceeding or an employee or  
15 representative thereof shall not be appointed to represent  
16 the child. The court appointed lay advocate shall conduct  
17 an independent investigation to the extent ordered by the  
18 court. The court appointed lay advocate may be ordered to  
19 provide a written report to the court and all parties and  
20 may be called as a fact witness after adjudication to  
21 provide information obtained in the investigation that  
22 could reasonably be considered useful in determining a  
23 disposition that is in the child's best interests. The  
24 court appointed lay advocate may render an opinion as to

1 the best interests of the child in its report or as a  
2 witness if the court finds that the court appointed lay  
3 advocate has conducted an investigation and is qualified by  
4 knowledge, skill, experience, training or education to  
5 render such an opinion. The court appointed lay advocate  
6 may be authorized by the court to inspect any documents or  
7 records relating to the child who is subject to the  
8 proceedings and to investigate the child's family and any  
9 other person residing in the same home as the child to  
10 complete the investigation and report.

11  
12 (c) The board of judicial policy and administration  
13 shall develop and adopt guidelines for the appointment,  
14 duties and training of attorneys representing children,  
15 court appointed lay advocates and court appointed special  
16 advocates.

17  
18 (d) A court appointed lay advocate shall not be  
19 civilly liable for acts or omissions committed in  
20 connection with assigned duties if the advocate acted in  
21 good faith and was not grossly negligent in the performance  
22 of his duties. A court appointed lay advocate shall be  
23 presumed to have acted in good faith.

24

1           **14-3-417. Subpoenas for witnesses and evidence;**  
2 **admissibility of evidence constituting privileged**  
3 **communications.**

4  
5           (a) Upon application of any party to the proceeding,  
6 the clerk shall issue and the court on its own motion may  
7 issue subpoenas requiring the attendance and testimony of  
8 witnesses and the production of records, documents or other  
9 tangible evidence at any hearing.

10  
11           (b) Evidence regarding a child in any judicial  
12 proceeding resulting from a report made pursuant to W.S.  
13 14-3-201 through 14-3-215 shall not be excluded on the  
14 ground it constitutes a privileged communication:

15  
16           (i) Between a husband and wife;

17  
18           (ii) Claimed under any provision of law other  
19 than W.S. 1-12-101(a) (i) or (ii); or

20  
21           (iii) Claimed pursuant to W.S. 1-12-116.  
22



1           **14-3-418. Search warrant; when authorized; affidavit**  
2 **required; contents of affidavit and warrant; service and**  
3 **return.**

4  
5           (a) The court or a ~~commissioner~~judicial officer may  
6 issue a search warrant within the court's jurisdiction if  
7 it appears by application supported by affidavit of one (1)  
8 or more adults that a child is being neglected, unlawfully  
9 detained or physically abused and his health or welfare  
10 requires that he be taken immediately into custody, or it  
11 appears by application supported by affidavit of one (1) or  
12 more adults that evidence of child abuse or neglect exists.

13  
14           (b) The affidavit ~~must~~shall be in writing, signed  
15 and affirmed by the affiant. The affidavit ~~must~~shall set  
16 forth:

17  
18                   (iii) The affiant's belief that the evidence of  
19 child abuse or neglect exists and could be obtained through  
20 forensic means, and a statement of the facts upon which the  
21 belief is based.

22

1           **14-3-426. Initial appearance; adjudicatory hearing;**  
2 **entry of decree and disposition; evidentiary matters;**  
3 **continuance of disposition hearing.**

4  
5           (c) If after an adjudicatory hearing or a valid  
6 admission or confession the court or jury finds that a  
7 child is neglected, it shall enter a decree to that effect  
8 stating the jurisdictional facts upon which the decree is  
9 based. It may then proceed immediately or at a postponed  
10 hearing within ~~sixty (60)~~ thirty (30) days to make proper  
11 disposition of the child except where an extension of time  
12 is required for such reasons as newly discovered evidence,  
13 unavoidable delays in obtaining critical witnesses or  
14 unforeseen personal emergencies of parties or counsel.

15  
16           **14-3-427. Predisposition studies and reports.**

17  
18           (a) After a petition is filed, the court shall order  
19 the department of family services to ~~make~~ screen the child  
20 to identify pertinent conditions or risk factors within  
21 five (5) business days of the filing of the petition and to  
22 prepare a predisposition study and report. The court shall  
23 establish a deadline for completion of the report. The  
24 screening shall be used to assist the court in appointing

1 appropriate multidisciplinary team members. While preparing  
2 the study the department shall consult with the child's  
3 school and school district to determine the child's  
4 educational needs. The screening, study and report shall  
5 also cover:

6  
7 (ii) The performance of the child in school,  
8 including whether the child receives special education  
9 services and how his goals and objectives might be impacted  
10 by the court's disposition, provided the school receives  
11 authorization to share the information;

12  
13 (iii) The presence of child abuse and neglect or  
14 domestic violence histories, past acts of violence,  
15 learning disabilities, cognitive disabilities or physical  
16 impairments and ~~past acts of violence~~ the necessary  
17 services to accommodate the disabilities;

18  
19 (iv) The presence of any mental health or  
20 substance abuse ~~history~~ risk factors, including current  
21 participation in ~~mental health~~ counseling, therapy or  
22 treatment; and

23

1 (b) Within thirty (30) days after a petition is filed  
2 alleging a child is neglected, the court shall appoint a  
3 multidisciplinary team. The multidisciplinary team shall  
4 operate in accordance with the protocol established under  
5 W.S. 14-3-215. If the child will not be placed outside the  
6 home, the court may dismiss the multidisciplinary team upon  
7 motion and a finding of good cause. Upon motion by a party,  
8 the court may add or dismiss a member of the  
9 multidisciplinary team.

10  
11 (c) The multidisciplinary team shall include the  
12 following:

13  
14 (ii) A representative of the school district who  
15 has direct knowledge of the child and, if the child  
16 receives special education, is a member of the child's  
17 individualized education plan team;

18  
19 (iv) The child's psychiatrist, psychologist or  
20 mental health professional, if any; and

21  
22 (v) The ~~district attorney or his designee.~~  
23 guardian ad litem, if one is appointed by the court;

24

1           (vi) If the screening or predispositional study  
2 indicates a parent or child has special needs, an  
3 appropriate representative of the department of health's  
4 substance abuse, mental health or developmental  
5 disabilities division who has knowledge of the services  
6 available in the state's system of care that are pertinent  
7 to those identified needs.

8  
9           (d) In addition to the persons listed in subsection  
10 (c) of this section, the court may appoint one (1) or more  
11 of the following persons to the multidisciplinary team:

12  
13           (iii) The child;

14  
15           (iv) The foster parent, a relative or guardian;

16  
17           (v) The court appointed lay advocate appointed  
18 pursuant to W.S. 14-3-416(b);

19  
20           ~~(iii)~~ (vi) Other professionals or persons who  
21 have particular knowledge relating to the child or his  
22 family, or expertise in children's services and the child's  
23 or parent's specific disability or special needs.

24

1 (e) The multidisciplinary team shall, in accordance  
2 with rules and regulations promulgated by the department of  
3 family services, review the child's personal and family  
4 history, school, mental health and department of family  
5 services records and any other pertinent information, for  
6 the purpose of making case planning recommendations within  
7 sixty (60) days after a petition is filed. The team shall  
8 involve the child in the development of recommendations to  
9 the extent appropriate.

10  
11 (j) Any member of a multidisciplinary team who cannot  
12 personally attend team meetings may submit reports and  
13 recommendations to the other team members and to the court.  
14 Individuals who are not members of the multidisciplinary  
15 team but have knowledge pertinent to the team's decisions  
16 may be asked to provide information to the  
17 multidisciplinary team. Such individuals shall be bound by  
18 the confidentiality provisions of subsection (g) of this  
19 section.

20  
21 (k) If the child is placed outside the home, the  
22 multidisciplinary team shall meet quarterly to review the  
23 child's and the family's progress toward meeting the goals  
24 or expectations in the case plan and the multidisciplinary

1 team shall provide a written report with recommendations to  
2 the court prior to each review hearing.

3  
4 (m) No later than two (2) business days prior to the  
5 disposition, the multidisciplinary team shall file with the  
6 court the predispositional report which shall include the  
7 multidisciplinary team's recommendations and case plan in a  
8 standard format established by the department. If there is  
9 no multidisciplinary team, the department of family  
10 services shall file the recommendations and case plan  
11 required by this subsection.

12  
13 (n) Five (5) business days prior to each review  
14 hearing, the multidisciplinary team shall file with the  
15 court a report updating the predispositional report, the  
16 multidisciplinary team's recommendations and the case plan.  
17 If there is no multidisciplinary team, the department of  
18 family services shall file the report required by this  
19 subsection.

20  
21 **14-3-428. Abeyance of proceedings by consent decree;**  
22 **term of decree; reinstatement of proceedings; effect of**  
23 **discharge or completing term.**

24

1 (a) At any time after the filing of a petition  
2 alleging a child to be neglected and before adjudication,  
3 the court may issue a consent decree ordering further  
4 proceedings held in abeyance ~~and place a neglected child in~~  
5 ~~accordance with W.S. 14-3-429~~ if the facts are admitted and  
6 establish a basis for the adjudication. The placement of  
7 the child is subject to the terms, conditions and  
8 stipulations agreed to by the parties affected in  
9 accordance with W.S. 14-3-429. The consent decree shall not  
10 be entered without the consent of the district attorney,  
11 the department of family services, the child's guardian ad  
12 litem and the parents. A parent may enter into a consent  
13 decree only one (1) time. Subsequent petitions under this  
14 act filed against a parent who has previously entered into  
15 a consent decree shall proceed to adjudication without a  
16 consent decree.

17  
18 (b) The consent decree shall be in writing and copies  
19 given to all parties. The decree shall include the case  
20 plan for the family.

21  
22 (c) Before entering a consent decree, the parties  
23 shall appear before the judge. The judge shall advise the  
24 parents of their rights. The parents shall make a detailed



1 admission of the facts of the petition on the record. The  
2 judge shall inform the parents that the admission will be  
3 entered into evidence at the adjudication hearing if the  
4 terms and conditions of the consent decree are not  
5 fulfilled.

6  
7 ~~(b)~~(d) A consent decree, if the child remains within  
8 the home, shall be in force for the period agreed upon by  
9 the parties ~~but not longer than one (1) year~~ unless sooner  
10 terminated by the court.

11  
12 (e) If the child is placed outside the home, a  
13 consent decree shall be in force for the period agreed upon  
14 by the parties but not longer than six (6) months unless  
15 sooner terminated by the court. For good cause the court  
16 may grant one (1) extension of the consent decree for no  
17 longer than six (6) months.

18  
19 (f) If a consent decree is in effect and the child is  
20 in placement, the court shall hold review hearings as  
21 provided by W.S. 14-3-431.

22  
23 (g) If prior to discharge by the court or expiration  
24 of the consent decree, the parents or guardian of a child

1 alleged to be neglected fail to fulfill the terms and  
2 conditions of the decree or a new petition is filed  
3 alleging the child to be neglected, the ~~original petition~~  
4 ~~and proceeding may be reinstated~~ adjudication shall be  
5 entered upon order of the court after hearing, and the  
6 ~~matter court~~ may proceed ~~as though the consent decree had~~  
7 ~~never been entered~~ to disposition. An admission by either  
8 parent at the consent decree hearing may be admitted at the  
9 adjudication hearing under W.S. 14-3-424.

10  
11 ~~(e)~~ (h) If the parties to the consent decree ~~complete~~  
12 ~~the period of supervision under a~~ fulfill the terms and  
13 conditions of the consent decree ~~without reinstatement of~~  
14 ~~the original petition~~ they shall not thereafter be  
15 proceeded against in any court for the same misconduct  
16 alleged in the original petition except concurrent criminal  
17 allegations or charges against a person accused to have  
18 abused or neglected a child shall not be affected by a  
19 consent decree.

20  
21 **14-3-429. Decree where child adjudged neglected;**  
22 **dispositions; terms and conditions; legal custody.**

23

1 (a) In determining the disposition to be made under  
2 this act in regard to any child:

3  
4 (i) The court shall ~~place on the record~~ review  
5 the predisposition report, ~~and~~ the recommendations, if any,  
6 of the multidisciplinary team, the case plan and other  
7 reports or evaluations ordered by the court and indicate on  
8 the record what materials were considered in reaching the  
9 disposition;

10  
11 (iii) When a child is adjudged by the court to  
12 be neglected the court shall enter its decree to that  
13 effect and make a disposition as provided in this section  
14 that places the child in the least restrictive environment  
15 consistent with what is best suited to the public interest  
16 of preserving families, ~~and~~ the physical, mental and moral  
17 welfare of the child; ~~and in accord with the actual~~  
18 ~~facilities presently available when the decree is entered;~~

19  
20 (b) If the child is found to be neglected the court  
21 may:

22  
23 (i) Permit the child to remain in the legal  
24 custody of his parents, guardian or custodian without

1 protective supervision, subject to terms and conditions  
2 prescribed by the court;

3

4 (iv) Transfer temporary legal custody to the  
5 department of family services or a state or local public  
6 agency responsible for the care and placement of neglected  
7 children, provided the child shall not be committed to the  
8 Wyoming boys' school, the Wyoming girls' school or the  
9 Wyoming state hospital.

10

11 (c) In cases where a child is ordered removed from  
12 the child's home:

13

14 (ii) The court ~~on its own motion, or on the~~  
15 ~~motion of the person, agency or institution vested with~~  
16 ~~custody or to whom compensation is due,~~ shall order the  
17 parents or other legally obligated person to pay a  
18 reasonable sum for the support and treatment of the child  
19 as required by W.S. 14-3-435, or shall state on the record  
20 the reasons why an order for support was not entered.

21

22 **14-3-431. Duration of orders of disposition;**  
23 **termination of orders; petition for termination of parental**  
24 **rights.**

1

2 (b) Unless sooner terminated by court order, all  
3 orders issued under this act shall terminate with respect  
4 to a child adjudicated neglected, when he reaches eighteen  
5 (18) years of age ~~or has graduated from high school~~ unless  
6 the court has ordered care or services to continue beyond  
7 that time. The court shall conduct a review hearing at  
8 least six (6) months before the child reaches eighteen (18)  
9 years of age to determine whether care or transitional  
10 services should continue beyond that time.

11

12 (g) At each of the review hearings, the court shall  
13 enter findings on the record pursuant to subsection (c) of  
14 this section.

15

16 **14-4-101. Definitions.**

17

18 (a) As used in W.S. 14-4-101 through 14-4-115:

19

20 (vi) "Child caring facility" means any person  
21 who operates a business to keep or care for any minor at  
22 the request of the parents, legal guardians or an agency  
23 which is responsible for the child and includes any of the  
24 following privately operated facilities:

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24

(O) Except as provided under subparagraph  
~~(a)(vi)(N) of this section paragraph~~, any other person not  
legally related to a minor, having legal or physical care,  
custody or control of the child, ~~receiving payment therefor~~  
and not supervised by the state, any local government,  
school district or agency or political subdivision  
thereof;~~;~~

(P) Day or hourly child care, kindergarten  
or any other preschool establishment not accredited by the  
state board of education;

(Q) All privately operated residential  
programs for children to include, but not be limited to,  
the following:

(I) Crisis centers;

(II) Shelter homes;

(III) Group homes;

(IV) Detention centers;

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24

(V) Residential treatment centers;

(VI) Therapeutic foster care;

(VII) Child placing agencies, including adoption agencies receiving or placing children in the state;

(VIII) Maternity homes;

(IX) Foster homes not supervised by the state, any local government, school district, or agency or political subdivision thereof;

(X) Boarding schools or boarding homes;

(XI) Wilderness programs, outdoor youth programs, youth ranches or outdoor adventure programs. Programs under this subdivision may be independently operated or extensions of existing residential treatment or group home programs;

1 (XII) Independent living programs and  
2 transitional living programs;

3  
4 (XIII) Boards of cooperative  
5 educational services established under W.S. 21-20-104 and  
6 providing services to children with disabilities of any  
7 school district.

8  
9 (viii) "Residential care" means a program of  
10 services that provides basic care, safety and protection to  
11 children living in a foster family or group setting;

12  
13 (ix) "Summer camp" means a residential program  
14 operated for fewer than ninety (90) days annually including  
15 weekends that is designed to be recreational, such as youth  
16 programs operated by religious organizations and community  
17 based youth organizations.

18  
19 **14-4-102. Certification required; exceptions.**

20  
21 (b) W.S. 14-4-101 through 14-4-111 do not apply to:

22  
23 (vi) ~~Foster homes supervised by the state, any~~  
24 ~~local government, school district or agency or political~~



1 ~~subdivision thereof~~ Any program, facility or activity  
2 operated by a governmental entity;

3  
4 (viii) Summer camps; ~~operated by nonprofit~~  
5 ~~organizations;~~

6  
7 (c) Any child caring facility covered by the  
8 exemption provisions in subsection (b) of this section may  
9 elect to be subject to the requirements under subsection  
10 (a) of this section by submitting notification to the  
11 certifying authority. Once certified, such facility cannot  
12 withdraw from certification requirements without  
13 voluntarily forfeiting its certification and providing  
14 notice to the public.

15  
16 **14-4-104. Certification; application; standards;**  
17 **notification to certify or refuse; term.**

18  
19 (b) A certificate shall be issued upon compliance  
20 with the ~~following~~ standards as established under W.S.  
21 14-4-101 through 14-4-111 and the following:

22  
23 (e) The department is authorized to establish  
24 pursuant to rules and regulations full and provisional

1 certificate fees and fees for continuation of a full  
2 certificate. Fees for continuation of a full certificate  
3 shall be due on the anniversary date of the original  
4 certificate. Fees collected by the department under this  
5 section shall be deposited in the general fund to offset  
6 the cost of administration of the board. ~~For the balance of  
7 the biennium that began July 1, 1998, the governor may add  
8 the fees collected under this section to the department's  
9 budget through the B-11 process.~~

10  
11 (f) The certifying authority shall designate  
12 investigators to investigate any child caring facility  
13 within the provisions of W.S. 14-4-101 through 14-4-111.

14  
15 **14-4-107. Inspection by certifying authority; right**  
16 **of entrance.**

17  
18 (a) The certifying ~~board~~authority shall periodically  
19 and at reasonable times inspect, investigate and examine  
20 all certified agencies and applicants for certification.

21  
22 (b) Any certified agency or applicant for  
23 certification shall give right of entrance and inspection  
24 of the facility to inspectors authorized by the certifying

1 ~~beard~~authority. Any certified agency or applicant who  
2 denies admission to any authorized inspector shall have the  
3 certificate revoked or application denied.

4

5 **14-4-113. Commitment of uncontrollable child; refusal**  
6 **to receive.**

7

8 (a) If a child is committed to a child caring  
9 facility by a court under the Juvenile Court Act or  
10 otherwise and the child caring facility cannot exercise  
11 proper control over the child, the child caring facility  
12 may report the facts to the court with jurisdiction for a  
13 reconsideration or rehearing on the order. If the facts  
14 warrant, the child shall then be committed to the  
15 ~~industrial institute~~Wyoming boys' school, the Wyoming  
16 ~~girls~~girls' school, or such other privately or publicly  
17 operated facility as the court deems appropriate.

18

19 **14-6-201. Definitions; short title; statement of**  
20 **purpose and interpretation.**

21

22 (a) As used in this act:

23

1 (ix) "Delinquent act" means an act punishable as  
2 a criminal offense by the laws of this state or any  
3 political subdivision thereof, ~~or contempt of court under~~  
4 ~~W.S. 14-6-242,~~ or an act violating the terms and conditions  
5 of any court order which resulted from the criminal  
6 conviction of any child but does not include a status  
7 offense or contempt of court under W.S. 14-6-242;

8  
9 (xii) "Detention" means the temporary care of a  
10 child in physically restricting facilities pending court  
11 disposition or the execution of a court order ~~for placement~~  
12 ~~or commitment to place or commit a child to a juvenile~~  
13 detention facility;

14  
15 (xiv) "Legal custody" means ~~a legal status~~  
16 ~~created by court order which vests in a custodian the right~~  
17 ~~to have physical custody of a minor, the right and duty to~~  
18 ~~protect, train and discipline a minor, the duty to provide~~  
19 ~~him with food, shelter, clothing, ordinary medical care,~~  
20 ~~education and in an emergency, the right and duty to~~  
21 ~~authorize surgery or other extraordinary medical care. The~~  
22 ~~rights and duties of legal custody are subject to the~~  
23 ~~rights and duties of the guardian of the person of the~~

1 ~~minor, and to residual parental rights and duties as~~  
2 defined in W.S. 14-3-402(a)(x);

3  
4 (xvii) "Parent" means either a natural or  
5 adoptive parent of the child, a person adjudged the parent  
6 of the child in judicial proceedings or a man presumed to  
7 be the father under W.S. ~~14-2-102~~ 14-2-404;

8  
9 (xxvi) "Judicial officer" means as defined in  
10 W.S. 14-3-402(a)(xviii);

11  
12 (xxvii) "Transportation" means as defined in  
13 W.S. 14-3-402(a)(xxi);

14  
15 ~~(xxvi)~~ (xxviii) "This act" means W.S. 14-6-201  
16 through 14-6-252.

17  
18 (c) This act shall be construed to effectuate the  
19 following public purposes:

20  
21 (i) To provide for the best interests of the  
22 child and the protection of the public and public safety;

23

1 (ii) Consistent with the best interests of the  
2 child and the protection of the public and public safety:

3

4 (A) To promote the concept of punishment  
5 for criminal acts while recognizing and distinguishing the  
6 behavior of children who have been victimized or have  
7 disabilities, such as serious mental illness that requires  
8 treatment or children with a cognitive impairment that  
9 requires services;

10

11 (C) To provide treatment, training and  
12 rehabilitation that emphasizes the accountability and  
13 responsibility of both the parent and the child for the  
14 child's conduct, reduces recidivism and helps children to  
15 become functioning and contributing adults.

16

17 (iii) To provide for the care, the protection  
18 and the wholesome moral, mental and physical development of  
19 children ~~coming~~ within ~~its provisions~~ the community  
20 whenever possible using the least restrictive and most  
21 appropriate interventions;

22

23 (iv) To ~~protect the welfare of~~ be flexible and  
24 innovative and encourage coordination at the community ~~and~~

1 level to ~~control~~reduce the commission of unlawful acts by  
2 children;

3

4 (v) To achieve the foregoing purposes in a  
5 family environment whenever possible, separating the child  
6 from the child's parents only when necessary for the  
7 child's welfare or in the interest of public safety and  
8 when a child is removed from the child's family, to give  
9 ensure that individual needs will control placement and  
10 provide the child the care that should be provided by  
11 parents; and

12

13 (vi) To provide a simple judicial procedure  
14 through which the provisions of this act are executed and  
15 enforced and in which the parties are assured a fair and  
16 timely hearing and their constitutional and other legal  
17 rights recognized and enforced.

18

19 **14-6-203. Jurisdiction; confidentiality of records.**

20

21 (d) The juvenile court has exclusive jurisdiction in  
22 all cases, other than status offenses, in which a minor who  
23 has not attained the age of thirteen (13) years is alleged  
24 to have committed a felony or a misdemeanor punishable by

1 imprisonment for more than six (6) months. The juvenile  
2 court has original jurisdiction in all actions specified in  
3 subsection (f) of this section if the youth is currently  
4 within the juvenile court's jurisdiction for another  
5 pending action.

6  
7 (f) The following cases, excluding status offenses,  
8 may be originally commenced either in the juvenile court or  
9 in the district court or inferior court having  
10 jurisdiction, provided no other action is pending against  
11 the youth in the juvenile court, otherwise the juvenile  
12 court shall have original jurisdiction:

13  
14 (g) Except as provided by subsection (j) of this  
15 section, all information, reports or records made, received  
16 or kept by any municipal, county or state officer or  
17 employee evidencing any legal or administrative process or  
18 disposition resulting from a minor's misconduct are  
19 confidential and subject to the provisions of this act. The  
20 existence of the information, reports or records or  
21 contents thereof shall not be disclosed by any person  
22 unless:

23



1 (vi) The disclosure is authorized by W.S.  
2 7-19-504. ~~or 14-6-240(g).~~

3

4 **14-6-209. Taking of child into custody; informal**  
5 **hearing where no court order; conditional release;**  
6 **evidence; rehearing.**

7

8 (a) When a child is placed in detention or shelter  
9 care without a court order, a petition as provided in W.S.  
10 14-6-212 shall be promptly filed and presented to the  
11 court. An informal detention or shelter care hearing shall  
12 be held as soon as reasonably possible not later than  
13 ~~seventy-two (72)~~ twenty-four (24) hours, excluding weekends  
14 and legal holidays, after the child is taken into custody  
15 to determine if further detention or shelter care is  
16 required pending further court action. Written notice  
17 stating the time, place and purpose of the hearing shall be  
18 given to the child and to his parents, guardian or  
19 custodian.

20

21 (c) The child shall be given an opportunity to admit  
22 or deny the allegations in the petition. If the allegations  
23 are admitted, the court shall make the appropriate  
24 adjudication and may proceed immediately to a disposition

1 of the case, provided the court has the predisposition  
2 report and multidisciplinary team recommendations, in  
3 accordance with the provisions of W.S. 14-6-229. If denied,  
4 the court shall ~~set a time not to exceed sixty (60) days~~  
5 hold the adjudicatory hearing within thirty (30) days after  
6 the date the petition is filed for an adjudicatory hearing  
7 or a transfer hearing unless the court finds good cause to  
8 delay or postpone the hearing. In no event shall the court  
9 hold the adjudicatory hearing more than ninety (90) days  
10 after the date the petition is filed.

11

12 **14-6-210. Hearing conducted by judicial officer;**  
13 **authority and duty; review by court.**

14

15 (a) In the absence or incapacity of the judge, the  
16 detention or shelter care hearing may be conducted by a  
17 ~~district court commissioner~~ judicial officer of the county  
18 in which the child is being detained or held in shelter  
19 care.

20

21 (b) The ~~commissioner~~ judicial officer may make any  
22 order concerning the child's release, continued detention  
23 or shelter care as authorized to the judge under W.S.  
24 14-6-209. If the child is not released after the hearing,

1 the ~~commissioner~~judicial officer shall promptly file with  
2 the court a complete written resume of the evidence adduced  
3 at the hearing and his reasons for not releasing the child.  
4 The ~~commissioner~~judicial officer may also issue subpoenas  
5 or search warrants, order physical or medical examinations  
6 and authorize emergency medical, surgical or dental  
7 treatment all as provided in W.S. 14-6-217 through  
8 14-6-220. Only the commissioner~~juvenile court judge~~ shall  
9 ~~not~~ make final orders of adjudication or disposition.

10  
11 (c) The juvenile court judge shall review the  
12 reports, orders and actions of the ~~commissioner~~judicial  
13 officer as soon as reasonably possible and confirm or  
14 modify the ~~commissioner's~~judicial officer's orders and  
15 actions as it deems appropriate.

16  
17 **14-6-212. Commencement of proceedings; contents of**  
18 **petition.**

19  
20 (b) The petition shall set forth all jurisdictional  
21 facts, including but not limited to:

22  
23 (v) Whether the child is an Indian child as  
24 defined in the federal Indian Child Welfare Act and, if so,

1 a statement setting forth with particularity the notice  
2 provided to the appropriate tribal court and the basis for  
3 the juvenile court's jurisdiction in the matter.

4  
5 **14-6-214. Service of process; order of custody or**  
6 **detention.**

7  
8 (e) When personal service of order to appear is made  
9 within the state, service ~~must~~shall be completed not less  
10 than two (2) days before the hearing and when made outside  
11 the state, service ~~must~~shall be completed not less than  
12 five (5) days before the hearing. However, notwithstanding  
13 any provision within this act, the court may order that a  
14 child be taken into custody as provided in W.S. 14-6-213 or  
15 that a child be held in detention or shelter care pending  
16 further proceedings as provided in W.S. 14-6-209, even  
17 though service of order to appear on the parents, guardian  
18 or custodian of the child is not complete at the time of  
19 making the order.

20  
21 **14-6-216. Appointment of counsel.**

22  
23 The court shall appoint a guardian ad litem for a child who  
24 is a party to proceedings under this act if the child has

1 no parent, guardian or custodian appearing in his behalf or  
2 if the interests of the parents, guardian or custodian are  
3 adverse to the best interest of the child unless the child  
4 is already adequately represented by legal counsel. The  
5 appointment shall occur no later than at the initial  
6 appearance. A party to the proceeding or employee or  
7 representative thereof shall not be appointed guardian ad  
8 litem for the child.

9  
10 **14-6-218. Search warrant; when authorized; affidavit**  
11 **required; contents of affidavit and warrant; service and**  
12 **return.**

13  
14 (a) The court or a ~~commissioner~~judicial officer may  
15 issue a search warrant within the court's jurisdiction if  
16 it appears by application supported by affidavit of one (1)  
17 or more adults that there is probable cause to believe a  
18 child has committed a delinquent act and the child is in  
19 hiding to avoid service of process or being taken into  
20 custody, or it appears by application supported by  
21 affidavit of one (1) or more adults that evidence of a  
22 delinquent act exists.

23

1 (b) The affidavit ~~must~~shall be in writing, signed  
2 and affirmed by the affiant. The affidavit ~~must~~shall set  
3 forth:

4  
5 **14-6-222. Advising of right to counsel required;**  
6 **appointment of counsel; verification of financial**  
7 **condition.**

8  
9 (b) The court shall upon request appoint counsel who  
10 may be the guardian ad litem to represent the child if the  
11 child, his parents, guardian, custodian or other person  
12 responsible for the child's support are unable to obtain  
13 counsel. If appointment of counsel is requested, the court  
14 shall require the child and his parents, guardian,  
15 custodian or other person legally responsible for the  
16 child's support to verify their financial condition under  
17 oath, either by written affidavit signed and sworn to by  
18 the parties or by sworn testimony made a part of the record  
19 of the proceedings. The affidavit or sworn testimony shall  
20 state they are without sufficient money, property, assets  
21 or credit to employ counsel in their own behalf. The court  
22 may require further verification of financial condition if  
23 it deems necessary. If the ~~child requests counsel and his~~  
24 child's parents, guardian, custodian or other person

1 responsible for the child's support is able but unwilling  
2 to obtain counsel for the child, the court shall appoint  
3 counsel to represent the child and may direct reimbursement  
4 of counsel fees under W.S. 14-6-235(c).

5  
6 (d) Counsel representing a child alleged to be  
7 delinquent under this act shall counsel the child that the  
8 court will consider among other things what is in the best  
9 interest of the child.

10  
11 **14-6-226. Initial appearance; adjudicatory or**  
12 **transfer hearing; entry of decree and disposition;**  
13 **evidentiary matters; continuance of disposition hearing.**

14  
15 (c) If after an adjudicatory hearing or a valid  
16 admission or confession the court or jury finds that a  
17 child committed the acts alleging him delinquent, it shall  
18 enter a decree to that effect stating the jurisdictional  
19 facts upon which the decree is based. It may then proceed  
20 immediately or at a postponed hearing within ~~sixty (60)~~  
21 thirty (30) days to make proper disposition of the child,  
22 except where extensions of time are required for reasons  
23 such as newly discovered evidence, unavoidable delays in

1 obtaining critical witnesses or unforeseen personal  
2 emergencies of parties or counsel.

3  
4 **14-6-227. Predisposition studies and reports.**

5  
6 (a) After a petition is filed, the court shall order  
7 the department to ~~make~~ screen the child to identify  
8 pertinent conditions or risk factors within five (5)  
9 business days of the filing of the petition and to prepare  
10 a predisposition study and report. The court shall  
11 establish a deadline for completion of the report. The  
12 screening shall be used to assist the court in appointing  
13 appropriate multidisciplinary team members. While preparing  
14 the study the department shall consult with the child's  
15 school and school district to determine the child's  
16 educational needs. The screening, study and report shall  
17 also cover:

18  
19 (ii) The performance of the child in school,  
20 including whether the child receives special education  
21 services and how his goals and objectives may be impacted  
22 by the court's disposition, provided the school receives  
23 authorization to share the information;

24



1 (iii) The presence of child abuse and neglect or  
2 domestic violence histories, past acts of violence,  
3 learning disabilities, cognitive disabilities or physical  
4 impairments and ~~past acts of violence~~ the necessary  
5 services to accommodate the disability;

6  
7 (iv) The presence of any mental health or  
8 substance abuse ~~history~~ risk factors, including current  
9 participation in ~~mental health~~ counseling, therapy or  
10 treatment; and

11  
12 (b) After a petition is filed alleging a child is  
13 delinquent, the court shall appoint a multidisciplinary  
14 team within thirty (30) days. The multidisciplinary team  
15 shall operate in accordance with the protocol established  
16 under W.S. 14-3-215. If the child will not be placed  
17 outside the home, the court may dismiss the  
18 multidisciplinary team upon motion and a finding of good  
19 cause. Upon motion by a party, the court may add or dismiss  
20 a member of the multidisciplinary team.

21  
22 (c) The multidisciplinary team shall include the  
23 following:

24

1 (ii) A representative of the school district who  
2 has direct knowledge of the child and, if the child  
3 receives special education services, is a member of the  
4 child's individualized education plan team;

5  
6 (iv) The child's psychiatrist, psychologist or  
7 mental health professional, if any; and

8  
9 (v) The ~~district attorney or his designee.~~  
10 guardian ad litem, if one is appointed by the court;

11  
12 (vi) If the screening or predispositional study  
13 indicates a parent or child has special needs, an  
14 appropriate representative of the department of health's  
15 substance abuse, mental health or developmental  
16 disabilities division who has knowledge of the services  
17 available in the state's system of care that are pertinent  
18 to those identified needs.

19  
20 (d) In addition to the persons listed in subsection  
21 (c) of this section, the court may appoint one (1) or more  
22 of the following persons to the multidisciplinary team:

23  
24 (iii) The child;

1

2

(iv) The foster parent, a relative or guardian;

3

4

~~(iii)~~ (v) Other professionals or persons who have particular knowledge relating to the child or his family, or expertise in children's services and the child's or parent's specific disability or special needs.

8

9

(e) The multidisciplinary team shall, in accordance with rules and regulations promulgated by the department of family services, review the child's personal and family history, school, mental health and department of family services records and any other pertinent information, for the purpose of making sanction recommendations within sixty (60) days after a petition is filed. The team shall involve the child in the development of recommendations to the extent appropriate.

18

19

(f) The multidisciplinary team shall formulate written recommendations consistent with the purposes of this act.

22

23

(j) Any member of a multidisciplinary team who cannot personally attend team meetings may submit reports and

24

1 recommendations to the other team members and to the court.  
2 Individuals who are not members of the multidisciplinary  
3 team but have knowledge pertinent to the team's decisions  
4 may be asked to provide information to the  
5 multidisciplinary team. Such individuals shall be bound by  
6 the confidentiality provisions of subsection (g) of this  
7 section.

8  
9 (k) The department shall develop a case plan for a  
10 juvenile when there is a recommendation to place the child  
11 outside the home.

12  
13 (m) If the child is placed outside the home, the  
14 multidisciplinary team shall meet quarterly to review the  
15 child's and the family's progress toward meeting the goals  
16 or expectations in the case plan and the multidisciplinary  
17 team shall provide a written report with recommendations to  
18 the court prior to each review hearing.

19  
20 (n) No later than two (2) business days prior to the  
21 disposition, the multidisciplinary team shall file with the  
22 court the predispositional report which shall include the  
23 multidisciplinary team's recommendations and case plan in a  
24 standard format established by the department. If there is

1 no multidisciplinary team, the department of family  
2 services shall file the recommendations and case plan  
3 required by this subsection.

4  
5 (o) Five (5) business days prior to each review  
6 hearing, the multidisciplinary team shall file with the  
7 court a report updating the predispositional report, the  
8 multidisciplinary team's recommendations and the case plan.  
9 If there is no multidisciplinary team, the department of  
10 family services shall file the report required by this  
11 subsection.

12  
13 **14-6-228. Abeyance of proceedings by consent decree;**  
14 **term of decree; reinstatement of proceedings; effect of**  
15 **discharge or completing term.**

16  
17 (a) At any time after the filing of a petition  
18 alleging a child delinquent and before adjudication, the  
19 court may issue a consent decree ordering further  
20 proceedings held in abeyance and place a delinquent child  
21 under the supervision of a probation officer if the facts  
22 are admitted and establish a basis for the adjudication.

23 The placement of the child is subject to the terms,  
24 conditions and stipulations agreed to by the parties

1 affected. The consent decree shall not be entered without  
2 the consent of the district attorney, the department, the  
3 child's attorney, where applicable, and the child and the  
4 notification of the parents.

5  
6 (b) The consent decree shall be in writing and copies  
7 given to each of the parties. The decree shall include the  
8 case plan for the child.

9  
10 (c) Before entering the consent decree, the parties  
11 shall appear before the judge. The judge shall advise the  
12 child of his rights. The child shall make a detailed  
13 admission of the facts of the petition on the record. The  
14 judge shall inform the child that his admission will be  
15 entered into evidence at the adjudication hearing if the  
16 terms and conditions of the consent decree are not  
17 fulfilled.

18  
19 ~~(b)~~ (d) A consent decree shall be in force for the  
20 period agreed upon by the parties but not longer than one  
21 (1) year unless the child is sooner discharged by the  
22 court.

23

1        (e) If prior to discharge by the court or expiration  
2 of the consent decree, a child alleged to be delinquent  
3 fails to fulfill the terms and conditions of the decree or  
4 a new petition is filed alleging the child delinquent  
5 because of misconduct occurring during the term of the  
6 consent decree, the ~~original petition and proceedings may~~  
7 ~~be reinstated~~ adjudication shall be entered at the district  
8 attorney's discretion and the child held accountable. ~~as~~  
9 ~~though the consent decree had never been entered.~~

10  
11        (f) If a consent decree is in effect and the child is  
12 in placement, the court shall hold a six (6) month and  
13 twelve (12) month review under W.S. 14-6-229.

14  
15        ~~(e)~~ (g) A child discharged by the court under a  
16 consent decree without ~~reinstatement~~ entry of the original  
17 ~~petition~~ adjudication shall not thereafter be proceeded  
18 against in any court for the same offense or misconduct  
19 alleged in the original petition.

20  
21        **14-6-229. Decree where child adjudged delinquent;**  
22 **dispositions; terms and conditions; legal custody.**

23

1 (a) In determining the disposition to be made under  
2 this act in regard to any child:

3  
4 (i) The court shall ~~place on the record~~ review  
5 the predisposition report, ~~and~~ the recommendations, if any,  
6 of the multidisciplinary team, the case plan and other  
7 reports or evaluations ordered by the court and indicate on  
8 the record what materials were considered in reaching the  
9 disposition;

10  
11 (iii) When a child is adjudged by the court to  
12 be delinquent, the court shall enter its decree to that  
13 effect and make a disposition consistent with the purposes  
14 of this act; ~~and in accord with the actual facilities~~  
15 ~~presently available when the decree is entered;~~

16  
17 (e) In cases where a child is ordered removed from  
18 the child's home:

19  
20 (ii) If a child is committed or transferred to  
21 an agency or institution under this section:

22  
23 (B) Not less than once every ~~twelve (12)~~  
24 six (6) months, the court of jurisdiction shall conduct a



1 formal review to assess and determine the appropriateness  
2 of the current placement, the reasonable efforts made to  
3 reunify the family, the safety of the child and the  
4 permanency plan for the child. ~~Placements at the Wyoming  
5 boys' school, the Wyoming girls' school and the Wyoming  
6 state hospital are exempt from the review required by this  
7 subparagraph.~~

8  
9 (iii) The court ~~on its own motion, or on the  
10 motion of the person, agency or institution vested with  
11 custody or to whom compensation is due,~~ shall order the  
12 parents or other legally obligated person to pay a  
13 reasonable sum for the support and treatment of the child  
14 as required by W.S. 14-6-236, or shall state on the record  
15 the reasons why an order for support was not entered.

16  
17 (r) An agency of state government vested with  
18 temporary legal custody of a child under this section shall  
19 have the right to transport the child as necessary.

20  
21 **14-6-233. Appeal; right generally; transcript**  
22 **provided; cost thereof.**

23

1 (a) Any party including the state may appeal any  
2 final order, judgment or decree of the juvenile court to  
3 the supreme court within the time and in the manner  
4 provided by the Wyoming Rules of ~~Civil~~Appellate Procedure.  
5

6 **14-6-236. Ordering payment for support and treatment**  
7 **of child; how paid; enforcement.**  
8

9 (a) When legal custody of a child, other than  
10 temporary guardianship, is vested by court order in an  
11 individual, agency, institution or organization other than  
12 the child's parents, the court shall in the same ~~or any~~  
13 ~~subsequent~~ proceeding inquire into the financial condition  
14 of the child's parents or any other person who may be  
15 legally obligated to support the child. After due notice  
16 and hearing the court shall order the parents or any other  
17 legally obligated person to pay a reasonable sum for the  
18 support and treatment of the child during the time that a  
19 dispositional order is in force. The requirements of W.S.  
20 20-2-101 through 20-2-406 apply to this section. The amount  
21 of support shall be determined in accordance with the  
22 presumptive child support established by W.S. 20-2-304. In  
23 any case where the court has deviated from the presumptive  
24 child support, the reasons therefor shall be specifically

1 set forth in the order. The amount ordered to be paid shall  
2 be paid to the clerk of the juvenile court for transmission  
3 to the person, institution or agency having legal custody  
4 of the child or to whom compensation is due. The clerk of  
5 court is authorized to receive periodic payments payable in  
6 the name or for the benefit of the child, including but not  
7 limited to social security, veteran's administration  
8 benefits or insurance annuities, and apply the payments as  
9 the court directs. An order for support under this  
10 subsection shall include a statement of the addresses and  
11 social security numbers if known, of each obligor, the  
12 names and addresses of each obligor's employer and the  
13 names and birthdates of each child to whom the order  
14 relates. The court shall order each obligor to notify the  
15 clerk of court in writing within fifteen (15) days of any  
16 change in address or employment. If any person who is  
17 legally obligated to support the child does not have full  
18 time employment, the court may require that person to seek  
19 full time employment and may require community service work  
20 in lieu of payment until full time employment is obtained.

21

22 **14-6-239. Records and reports confidential;**  
23 **inspection.**

24

1 (d) Nothing in subsection (a) of this section shall  
2 limit the disclosure of records authorized by W.S.  
3 7-19-504 ~~or 14-6-240(g)~~.

4  
5 **14-6-301. Definitions.**

6  
7 (a) As used in W.S. 14-6-301 through ~~14-6-308~~  
8 14-6-314:

9  
10 (viii) "Intensive supervision program" means a  
11 program established under W.S. 14-6-309 which allows  
12 participants to live or work in the community under close  
13 supervision methods.

14  
15 **14-6-302. General powers.**

16  
17 (a) The department of family services shall adopt  
18 reasonable rules and regulations necessary to carry out the  
19 provisions of W.S. 14-6-301 through ~~14-6-308~~ 14-6-314  
20 including policy relating to:

21  
22 (i) The conduct of predisposition reports,  
23 social summaries, multidisciplinary team reviews, case plan  
24 development, hearings and interviews;

1

2

**14-6-305. Home leave; violation hearing procedures.**

3

4

5

(c) With respect to any hearing pursuant to this section, the youth on home leave:

6

7

8

9

10

(ii) Shall be permitted to consult with his attorney or the guardian ad litem and any other persons whose assistance the youth reasonably desires, prior to the hearing;

11

12

**14-6-402. Definitions.**

13

14

(a) As used in this act:

15

16

17

18

19

20

21

22

23

(xiv) "Parent" means either a natural or adoptive parent of the child, a person adjudged the parent of the child in judicial proceedings or a man presumed to be the father under W.S. ~~14-2-102~~ 14-2-404;

(xxiii) "Judicial officer" means as defined in W.S. 14-3-402(a)(xviii).

1           **14-6-409. Taking of child into custody; informal**  
2 **hearing where no court order; conditional release;**  
3 **evidence; rehearing.**

4  
5           (a) When a child is placed in detention or shelter  
6 care without a court order, a petition as provided in W.S.  
7 14-6-412 shall be promptly filed and presented to the  
8 court. An informal detention or shelter care hearing shall  
9 be held as soon as reasonably possible not later than  
10 ~~seventy-two (72)~~ twenty-four (24) hours, excluding weekends  
11 and legal holidays, after the child is taken into custody  
12 to determine if further detention or shelter care is  
13 required pending further court action. Written notice  
14 stating the time, place and purpose of the hearing shall be  
15 given to the child and to his parents, guardian or  
16 custodian.

17  
18           (c) The child shall be given an opportunity to admit  
19 or deny the allegations in the petition. If the allegations  
20 are admitted, the court shall make the appropriate  
21 adjudication and may proceed immediately to a disposition  
22 of the case, provided the court has the predisposition  
23 report and multidisciplinary team recommendations, in  
24 accordance with the provisions of W.S. 14-6-429. If denied,

1 the court shall ~~set a time not to exceed forty-five (45)~~  
2 ~~days for an~~ hold the adjudicatory hearing within thirty  
3 (30) days after the date the petition is filed unless the  
4 court finds good cause to delay or postpone the hearing. In  
5 no event shall the court hold the adjudicatory hearing more  
6 than ninety (90) days after the date the petition is filed.

7  
8 **14-6-410. Hearing conducted by judicial officer;**  
9 **authority and duty; review by court.**

10  
11 (a) In the absence or incapacity of the judge, the  
12 detention or shelter care hearing may be conducted by a  
13 ~~district court commissioner~~ judicial officer of the county  
14 in which the child is being held in detention or shelter  
15 care.

16  
17 (b) The ~~commissioner~~ judicial officer may make any  
18 order concerning the child's release, continued detention  
19 or shelter care as authorized to the judge under W.S.  
20 14-6-409. If the child is not released after the hearing,  
21 the ~~commissioner~~ judicial officer shall promptly file with  
22 the court a complete written resume of the evidence adduced  
23 at the hearing and his reasons for not releasing the child.  
24 The ~~commissioner~~ judicial officer may also issue subpoenas

1 or search warrants, order physical or medical examinations  
2 and authorize emergency medical, surgical or dental  
3 treatment all as provided in W.S. 14-6-417 through  
4 14-6-420. Only the commissioner—juvenile court judge shall  
5 ~~not~~ make final orders of adjudication or disposition.

6  
7 (c) The juvenile court judge shall review the  
8 reports, orders and actions of the ~~commissioner—~~judicial  
9 officer as soon as reasonably possible and confirm or  
10 modify the ~~commissioner's—~~judicial officer's orders and  
11 actions as it deems appropriate.

12  
13 **14-6-412. Commencement of proceedings; contents of**  
14 **petition.**

15  
16 (b) The petition shall set forth all jurisdictional  
17 facts, including but not limited to:

18  
19 (v) Whether the child is an Indian child as  
20 defined in the federal Indian Child Welfare Act and, if so,  
21 a statement setting forth with particularity the notice  
22 provided to the appropriate tribal court and the basis for  
23 the juvenile court's jurisdiction in the matter.

24



1           **14-6-414. Service of process; order of custody.**

2

3           (e) When personal service of order to appear is made  
4 within the state, service ~~must~~ shall be completed not less  
5 than two (2) days before the hearing and when made outside  
6 the state, service ~~must~~ shall be completed not less than  
7 five (5) days before the hearing. However, notwithstanding  
8 any provision within this act, the court may order that a  
9 child be taken into custody as provided in W.S. 14-6-413 or  
10 that a child be held in detention or shelter care pending  
11 further proceedings as provided in W.S. 14-6-409, even  
12 though service of order to appear on the parents, guardian  
13 or custodian of the child is not complete at the time of  
14 making the order.

15

16           **14-6-418. Search warrant; when authorized; affidavit**  
17 **required; contents of affidavit and warrant; service and**  
18 **return.**

19

20           (a) The court or a ~~commissioner~~ judicial officer may  
21 issue a search warrant within the court's jurisdiction if  
22 it appears by application supported by affidavit of one (1)  
23 or more adults that a child is in need of supervision and

1 the child is in hiding to avoid service of process or being  
2 taken into custody.

3

4 **14-6-426. Initial appearance; adjudicatory hearing;**  
5 **entry of decree and disposition; evidentiary matters;**  
6 **continuance of disposition hearing.**

7

8 (c) If after an adjudicatory hearing or a valid  
9 admission or confession the court or jury finds that a  
10 child is in need of supervision, it shall enter a decree to  
11 that effect stating the jurisdictional facts upon which the  
12 decree is based. It may then proceed immediately or at a  
13 postponed hearing within ~~sixty (60)~~ thirty (30) days to  
14 make proper disposition of the child, except where an  
15 extension of time is required for such reasons as newly  
16 discovered evidence, unavoidable delays in obtaining  
17 critical witnesses or unforeseen personal emergencies of  
18 parties or counsel.

19

20 **14-6-427. Predisposition studies and reports.**

21

22 (a) After a petition is filed, the court shall order  
23 the department of family services to ~~make~~ screen the child  
24 to identify pertinent conditions or risk factors within

1 five (5) business days after the petition is filed and to  
2 prepare a predisposition study and report. The court shall  
3 establish a deadline for completion of the report. The  
4 screening shall be used to assist the court in appointing  
5 appropriate multidisciplinary team members. While preparing  
6 the study the department shall consult with the child's  
7 school and school district to determine the child's  
8 educational needs. The screening, study and report shall  
9 also cover:

10  
11 (ii) The performance of the child in school, ,  
12 including whether the child receives special education  
13 services and how his goals and objectives might be impacted  
14 by the court's disposition, provided the school receives  
15 authorization to share the information;

16  
17 (iii) The presence of child abuse, , ~~and~~ neglect  
18 or domestic violence histories, past acts of violence,  
19 learning disabilities, cognitive disabilities or physical  
20 impairments and ~~past acts of violence~~ the necessary  
21 services to accommodate the disability;

22  
23 (iv) The presence of any mental health or  
24 substance abuse ~~history~~ risk factors, including current

1 participation in ~~mental health~~ counseling, therapy or  
2 treatment; and

3

4 (b) After a petition is filed alleging a child is in  
5 need of supervision, the court shall appoint a  
6 multidisciplinary team within thirty (30) days. The  
7 multidisciplinary team shall operate in accordance with the  
8 protocol established under W.S. 14-3-215. If the child will  
9 not be placed outside the home, the court may dismiss the  
10 multidisciplinary team upon motion and a finding of good  
11 cause. Upon motion by a party, the court may add or dismiss  
12 a member of the multidisciplinary team.

13

14 (c) The multidisciplinary team shall include the  
15 following:

16

17 (ii) A representative of the school district who  
18 has direct knowledge of the child and, if the child  
19 receives special education services, is a member of the  
20 child's individualized education plan team;

21

22 (iv) The child's psychiatrist, psychologist or  
23 mental health professional, if any; and

24

1           (v) The ~~district attorney or his designee.~~  
2 guardian ad litem, if one is appointed by the court;

3

4           (vi) If the screening or predispositional study  
5 indicates a parent or child has special needs, an  
6 appropriate representative of the department of health's  
7 substance abuse, mental health or developmental  
8 disabilities division who has knowledge of the services  
9 available in the state's system of care that are pertinent  
10 to those identified needs.

11

12           (d) In addition to the persons listed in subsection  
13 (c) of this section, the court may appoint one (1) or more  
14 of the following persons to the multidisciplinary team:

15

16           (iii) The child;

17

18           (iv) The foster parent, a relative or guardian;

19

20           ~~(iii)~~ (v) Other professionals or persons who have  
21 particular knowledge relating to the child or his family,  
22 or expertise in children's services, the child's or  
23 parent's specific disability or special needs.

24

1           (e) The multidisciplinary team shall, in accordance  
2 with rules and regulations promulgated by the department of  
3 family services, review the child's personal and family  
4 history, school, mental health and department of family  
5 services records and any other pertinent information, for  
6 the purpose of making case planning recommendations within  
7 sixty (60) days after a petition is filed. The team shall  
8 involve the child in the development of recommendations to  
9 the extent appropriate.

10  
11           (j) Any member of a multidisciplinary team who cannot  
12 personally attend team meetings may submit reports and  
13 recommendations to the other team members and to the court.  
14 Individuals who are not members of the multidisciplinary  
15 team but have knowledge pertinent to the team's decisions  
16 may be asked to provide information to the  
17 multidisciplinary team. Such individuals shall be bound by  
18 the confidentiality provisions of subsection (g) of this  
19 section.

20  
21           (k) The department shall develop a case plan for a  
22 child when there is a recommendation to place the child  
23 outside the home.

24

1       (m) If the child is placed outside the home, the  
2 multidisciplinary team shall meet quarterly to review the  
3 child's and the family's progress toward meeting the goals  
4 or expectations in the case plan and the multidisciplinary  
5 team shall provide a written report with recommendations to  
6 the court prior to each review hearing.

7  
8       (n) No later than two (2) business days prior to the  
9 disposition, the multidisciplinary team shall file with the  
10 court the predispositional report which shall include the  
11 multidisciplinary team's recommendations and case plan in a  
12 standard format established by the department. If there is  
13 no multidisciplinary team, the department of family  
14 services shall file the recommendations and case plan  
15 required by this subsection.

16  
17       (o) Five (5) business days prior to each review  
18 hearing, the multidisciplinary team shall file with the  
19 court a report updating the predispositional report, the  
20 multidisciplinary team's recommendations and the case plan.  
21 If there is no multidisciplinary team, the department of  
22 family services shall file the report required by this  
23 subsection.

24

1           **14-6-428. Abeyance of proceedings by consent decree;**  
2 **term of decree; reinstatement of proceedings; effect of**  
3 **discharge or completing term.**

4  
5           (a) At any time after the filing of a petition  
6 alleging a child to be in need of supervision and before  
7 adjudication, the court may issue a consent decree ordering  
8 further proceedings held in abeyance and place a child in  
9 need of supervision under the supervision of the department  
10 of family services or any other qualified person the court  
11 may designate if the facts are admitted and establish a  
12 basis for the adjudication. The placement of the child is  
13 subject to the terms, conditions and stipulations agreed to  
14 by the parties affected. The consent decree shall not be  
15 entered without the consent of the district attorney, the  
16 department of family services, the child's legal  
17 representative, where applicable, and the child and the  
18 notification of the parents.

19  
20           (b) The consent decree agreement shall be in writing  
21 and copies given to each of the parties. It shall include  
22 the case plan for the child or his family.

23



1       (c) Before entering the consent decree, the parties  
2 shall appear before the judge. The judge shall advise the  
3 child and his parents of their rights. The child and  
4 parents shall make a detailed admission of the facts of the  
5 petition on the record. The judge shall inform the child  
6 and his parents that the admissions shall be entered into  
7 evidence at the adjudication hearing if the terms and  
8 conditions of the consent decree are not fulfilled.

9  
10       ~~(b)~~ (d) A consent decree shall be in force for the  
11 period agreed upon by the parties but not longer than one  
12 (1) year unless sooner terminated by the court. If prior to  
13 discharge by the court or expiration of the consent decree,  
14 a child alleged to be in need of supervision fails to  
15 fulfill the terms and conditions of the decree or a new  
16 petition is filed alleging the child to be in need of  
17 supervision because of misconduct occurring during the term  
18 of the consent decree, the ~~original petition and~~  
19 ~~proceedings may be reinstated~~ adjudication shall be entered  
20 at the district attorney's discretion and the child held  
21 accountable. ~~as though the consent decree had never been~~  
22 ~~entered.~~

23

1       (e) If a consent decree is in effect and the child is  
2 in placement, the court shall hold a six (6) month review  
3 and twelve (12) month review as provided under W.S.  
4 14-6-429.

5  
6       ~~(e)(f)~~ If the child completes the period of  
7 supervision under a consent decree without ~~reinstatement~~  
8 ~~entry~~ of the original ~~petition~~adjudication he shall not  
9 thereafter be proceeded against in any court for the same  
10 misconduct alleged in the original petition. The child's  
11 admission at the consent decree may be admitted at the  
12 adjudication hearing under W.S. 14-6-426.

13  
14       **14-6-429. Decree where child adjudged in need of**  
15 **supervision; dispositions; terms and conditions; legal**  
16 **custody.**

17  
18       (a) In determining the disposition to be made under  
19 this act in regard to any child:

20  
21       (i) The court shall ~~place on the record~~ review  
22 the predisposition report, ~~and~~ the recommendations, if any,  
23 of the multidisciplinary team, the case plan and other  
24 reports or evaluations ordered by the court and indicate on

1 the record what materials were considered in reaching the  
2 disposition;

3  
4 (iii) When a child is adjudged by the court to  
5 be in need of supervision the court shall enter its decree  
6 to that effect and make a disposition as provided in this  
7 section that places the child in the least restrictive  
8 environment consistent with what is best suited to the  
9 public interest of preserving families, the physical,  
10 mental and moral welfare of the child; ~~and in accord with~~  
11 ~~the actual facilities presently available when the decree~~  
12 ~~is entered;~~

13  
14 (c) In cases where a child is ordered removed from  
15 the child's home:

16  
17 (i) If a child is committed or transferred to an  
18 agency or institution under this section:

19  
20 (B) Not less than once every ~~twelve (12)~~  
21 six (6) months, the court of jurisdiction shall conduct a  
22 formal review to assess and determine the appropriateness  
23 of the current placement, the reasonable efforts made to  
24 reunify the family, the safety of the child and the

1 permanency plan for the child. ~~Placements at the Wyoming~~  
2 ~~state hospital are exempt from the review required by this~~  
3 ~~subparagraph.~~

4  
5 (ii) The court ~~on its own motion, or on the~~  
6 ~~motion of the person, agency or institution vested with~~  
7 ~~custody or to whom compensation is due,~~ shall order the  
8 parents or other legally obligated person to pay a  
9 reasonable sum for the support and treatment of the child  
10 as required by W.S. 14-6-435, or shall state on the record  
11 the reasons why an order for support was not entered.

12  
13 **20-1-113. Legitimacy of children presumed.**

14  
15 The legitimacy of all children conceived or born during the  
16 marriage is rebuttably presumed pursuant to W.S.  
17 ~~14-2-102(a)~~ 14-2-404.

18  
19 **20-2-201. Disposition and maintenance of children in**  
20 **decree or order; access to records.**

21  
22 (a) In granting a divorce, separation or annulment of  
23 a marriage or upon the establishment of paternity pursuant  
24 to W.S. ~~14-2-101~~ 14-2-121 through ~~14-2-120~~ 14-2-128 and

1 14-2-401 through 14-2-907, the court may make by decree or  
2 order any disposition of the children that appears most  
3 expedient and in the best interests of the children. In  
4 determining the best interests of the child, the court  
5 shall consider, but is not limited to, the following  
6 factors:

7  
8 **20-4-142. Basis for jurisdiction over nonresident.**

9  
10 (a) In a proceeding to establish, enforce, or modify a  
11 support order or to determine parentage, a tribunal of this  
12 state may exercise personal jurisdiction over a nonresident  
13 individual or the individual's guardian or conservator if:

14  
15 (vii) The individual asserted parentage in this  
16 state pursuant to W.S. ~~14-2-101-14-2-121~~ through ~~14-2-120~~  
17 14-2-128 and 14-2-401 through 14-2-907;

18  
19 **20-4-185. Proceeding to determine parentage.**

20  
21 (b) In a proceeding to determine parentage, a  
22 responding tribunal of this state shall apply the  
23 provisions of W.S. ~~14-2-101-14-2-121~~ through ~~14-2-120~~

1 14-2-128 and 14-2-401 through 14-2-907 and the rules of  
2 this state on choice of law.

3

4 **20-6-104. Child support enforcement services**  
5 **generally.**

6

7 (a) The services in intrastate and interstate  
8 situations provided under the child support enforcement  
9 program subject to or by appropriate orders of the court  
10 shall include:

11

12 (viii) The establishment of paternity for out of  
13 wedlock children pursuant to W.S. ~~14-2-101~~14-2-121 et seq.

14

15 **26-15-135. Coverage of children.**

16

17 (a) No insurance company, multi-employer trust or  
18 other provider of an individual, group or blanket health  
19 insurance product in this state shall:

20

21 (iii) Refuse to provide medical insurance  
22 coverage for an otherwise insurable child under the policy  
23 if the child for whom the claim is made is presumed to be

1 the natural child of the insured under W.S. ~~14-2-102~~  
2 14-2-404 or ~~14-2-104~~ 14-2-822.

3

4 **35-1-411. Name of father on birth certificate.**

5

6 (a) If the mother was married either at the time of  
7 conception or birth of child, or between conception and  
8 birth, the name of the husband shall be entered on the  
9 certificate as the father of the child, unless:

10

11 (i) Paternity has been determined otherwise by a  
12 court of competent jurisdiction; ~~in which case the name of~~  
13 ~~the father as determined by the court shall be entered.~~ or

14

15 (ii) The husband signs an affidavit denying that  
16 he is the father and the mother and the person to be named  
17 as the father sign an affidavit of paternity under this  
18 section. Affidavits may be joint or individual or a  
19 combination thereof, and each signature shall be  
20 individually notarized. The name of the person signing the  
21 affidavit of paternity shall be entered as the father on  
22 the certificate of birth.

23

1 (b) If the mother was not married either at the time  
2 of conception or birth of child, or between conception and  
3 birth, the name of the father shall not be entered on the  
4 certificate of birth without ~~the written consent of the~~  
5 ~~mother~~ an affidavit of paternity signed by the mother and  
6 the person to be named as father, unless a determination of  
7 the paternity has been made by a court of competent  
8 jurisdiction. ~~in which case the name of the father as~~  
9 ~~determined by the court shall be entered.~~

10  
11 (c) In any case in which paternity of a child ~~born~~  
12 ~~out of wedlock, the certificate shall be filed directly~~  
13 ~~with the state registrar of vital records. Either of the~~  
14 ~~parents of the child shall sign the certificate of live~~  
15 ~~birth to attest to the accuracy of the personal data~~  
16 ~~entered thereon in time to permit its filing within the ten~~  
17 ~~(10) days prescribed above~~ is determined by a court of  
18 competent jurisdiction, the name of the father and surname  
19 of the child shall be entered on the certificate of birth  
20 in accordance with the finding and order of the court.

21  
22 (d) ~~If the mother was not married at the time of~~  
23 ~~conception or birth, the child's surname on the birth~~  
24 ~~certificate shall be the same as the legal surname of the~~



1 ~~mother at the time of birth unless an affidavit of~~  
2 ~~acknowledgment of paternity signed by both parents is~~  
3 ~~received stating the surname of the child to be that of the~~  
4 ~~father.~~ If the father is not named on the certificate of  
5 birth, no other information about the father shall be  
6 entered on the certificate.

7  
8 **35-1-417. New certificate of birth following**  
9 **adoption; legitimation; court determination of paternity;**  
10 **and paternity acknowledgment.**

11  
12 (a) The state registrar of vital records shall  
13 establish a new certificate of birth for a person born in  
14 this state when he receives the following:

15  
16 (ii) A request that a new certificate be  
17 established and such evidence as required by regulation  
18 proving such person has been legitimated, or that a court  
19 of competent jurisdiction has determined the paternity of  
20 the person, or that both parents have acknowledged the  
21 paternity of such person.

22  
23 ~~(e)~~ (b) When a new certificate of birth is  
24 established, the actual ~~place~~ city and county and date of

1 birth shall be shown. It shall be substituted for the  
2 original certificate of birth. If a new certificate of  
3 birth is issued under this section, and in the case of  
4 adoptions, the original certificate of birth and evidence  
5 of adoption shall not be subject to inspection except upon  
6 order of a court of competent jurisdiction.

7  
8 ~~(e)~~(c) Upon receipt of ~~notice of an~~ a decree of  
9 annulment of adoption, the original certificate of birth  
10 shall be restored to its place in the file and the new  
11 certificate and evidence shall not be subject to inspection  
12 except upon order of a court of competent jurisdiction.

13  
14 ~~(b)~~(e) The state registrar of vital records shall  
15 establish a new certificate of birth, on a form he  
16 prescribes, for a person born in a foreign country upon  
17 receipt of a certified copy of the decree of adoption  
18 entered pursuant to W.S. 1-22-111(a)(iii) and a request for  
19 a new certificate by the court decreeing the adoption, the  
20 adoptive parents or the adopted person.

21  
22 (f) If no certificate of birth is on file for the  
23 person for whom a new certificate is to be established  
24 under this section, a delayed certificate of birth shall be

1 filed with the state registrar of vital records as provided  
2 by this act, before a new certificate of birth is  
3 established. ~~The new certificate shall be prepared as  
4 provided by paragraph (a)(i) of this section. If a new  
5 certificate of birth is established by the state registrar  
6 of vital records, all copies of the original certificate of  
7 birth in the custody of any custodian in the state shall be  
8 sealed from inspection or forwarded to the state registrar  
9 as he directs.~~

10  
11 **Section 3.** W.S. 14-3-105 and 14-3-106 as 6-2-315 and  
12 6-2-316, 14-3-215 as 14-3-216 and 14-3-307 and 14-3-308 as  
13 35-7-1607 and 35-7-1608 are amended and renumbered to read:

14  
15 ~~14-3-105~~ 6-2-315. **Immoral or indecent acts; penalty.**

16  
17 (a) Except under circumstance constituting sexual  
18 assault in the first, second or third degree as defined by  
19 W.S. 6-2-302 through 6-2-304, any person knowingly taking  
20 immodest, immoral or indecent liberties with any child or  
21 knowingly causing or encouraging any child to cause or  
22 encourage another child to commit with him any immoral or  
23 indecent act is guilty of a felony. Except as provided by  
24 subsection (b) of this section, a person convicted under

1 this section shall be fined not less than one hundred  
2 dollars (\$100.00) nor more than one thousand dollars  
3 (\$1,000.00) or imprisoned in the penitentiary not more than  
4 ten (10) years, or both.

5

6 (b) An actor convicted under subsection (a) of this  
7 section shall be punished by life imprisonment without  
8 parole if:

9

10 (i) The circumstances of the crime involve a  
11 victim who was under the age of sixteen (16) at the time of  
12 the offense and an actor who was at least four (4) years  
13 older than the victim; and

14

15 (ii) The actor has two (2) or more previous  
16 convictions for any of the following designated offenses,  
17 which convictions resulted from charges separately brought  
18 and which arose out of separate occurrences in this state  
19 or elsewhere:

20

21 (A) A conviction under W.S. 6-2-302 through  
22 6-2-304 or a criminal statute containing the same or  
23 similar elements as a crime defined by W.S. 6-2-302 through  
24 6-2-304;

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24

~~(C)(B)~~ A conviction under ~~W.S. 14-3-105(a)~~ subsection (a) of this section, or a criminal statute containing the same or similar elements as the crime defined by ~~W.S. 14-3-105(a)~~ subsection (a) of this section, if the circumstances of the crime involved a victim who was under the age of sixteen (16) at the time of the offense and an actor who was at least four (4) years older than the victim.

(c) As used in this section, "child" means a person under the age of eighteen (18) years.

~~14-3-106~~ 6-2-316. **Names not to be released; restrictions on disclosures or publication of information; violations; penalties.**

(a) Prior to the filing of an information or indictment charging a violation of W.S. ~~14-3-104~~ 6-2-314 or ~~14-3-105~~ 6-2-315, neither the names of the person accused or the victim nor any other information reasonably likely to disclose the identity of the victim shall be released or negligently allowed to be released to the public by any public employee except as authorized by the judge or

1 justice with jurisdiction over the criminal charges. The  
2 name of the person accused may be released to the public to  
3 aid or facilitate an arrest.

4

5 (b) After the filing of an information or indictment  
6 and upon the request of a minor victim or another acting on  
7 behalf of a minor victim, the trial court may, to the  
8 extent necessary to protect the welfare of the minor  
9 victim, restrict the disclosure or publication of  
10 information reasonably likely to identify the minor victim.

11

12 (c) Any person who willfully violates this section or  
13 who willfully neglects or refuses to obey any court order  
14 made pursuant thereto is guilty of contempt and upon  
15 conviction shall be fined not more than one thousand  
16 dollars (\$1,000.00) or be imprisoned in the county jail not  
17 more than ninety (90) days, or both.

18

19 (d) A release of a name or other information to the  
20 public in violation of the proscriptions of this section  
21 shall not stand as a bar to the prosecution of a defendant  
22 nor be grounds for dismissal of any charges against a  
23 defendant.

24

1 (e) As used in this section "minor victim" means a  
2 person under the age of eighteen (18) years.

3  
4 ARTICLE 2

5 JUVENILES

6  
7 ~~14-3-215~~ 14-3-216. Other laws not superseded.

8  
9 No laws of this state are superseded by the provisions of  
10 W.S. 14-3-201 through ~~14-3-215~~ 14-3-216.

11  
12 ARTICLE 16

13 SALE OF TOBACCO

14  
15 ~~14-3-307~~ 35-7-1607. Compliance inspections.

16  
17 (a) The department of health, working with local law  
18 enforcement agencies and other local individuals and  
19 organizations at the discretion of the department, shall be  
20 the lead agency to ensure compliance with this article.

21  
22 (b) The department of health shall develop strategies  
23 to coordinate and support local law enforcement efforts to

1 enforce all state statutes relating to the prohibition of  
2 the sale of tobacco products to minors.

3

4 (c) The department shall have discretion to:

5

6 (i) Work with each local law enforcement agency;

7 and

8

9 (ii) Coordinate local enforcement efforts that  
10 appropriately reflect the needs of the community.

11

12 (d) To coordinate the enforcement of state statutes  
13 relating to the prohibition of the sale of tobacco products  
14 to minors and to comply with applicable federal law, the  
15 department of health shall have authority to contract with  
16 or provide grants to local law enforcement agencies or  
17 other local individuals or entities having the appropriate  
18 level of enforcement authority on the local level to  
19 conduct random, unannounced inspections at retail locations  
20 where tobacco products are sold. The use of minors during  
21 inspections is authorized subject to the following:

22

23 (i) The written consent shall include  
24 notification that testimony in a subsequent court



1 proceeding may be required. The written consent of the  
2 minor's parents or guardian shall be obtained prior to the  
3 minor participating in an inspection;

4  
5 (ii) A minor participating in an inspection  
6 shall, if questioned, state his true age and that he is  
7 less than eighteen (18) years of age;

8  
9 (iii) The minor's appearance shall not be  
10 altered to make him appear to be eighteen (18) years of age  
11 or older;

12  
13 (iv) Neither a minor nor his parents or  
14 guardians shall be coerced into participating in such  
15 inspections;

16  
17 (v) The person conducting the inspection shall  
18 photograph the participant immediately before the  
19 inspection and any photographs taken of the participant  
20 shall be retained by the person conducting the inspection;

21  
22 (vi) Any participant in an inspection under this  
23 section shall be granted immunity from prosecution under  
24 W.S. ~~14-3-304~~ 35-7-1604 or ~~14-3-305~~ 35-7-1605.

1

2 (e) The person conducting an inspection under this  
3 section shall:

4

5 (i) Remain within sight or sound of the  
6 participant attempting to make the purchase;

7

8 (ii) Immediately inform in writing a  
9 representative or agent of the business establishment that  
10 an inspection has been performed and the results of the  
11 inspection;

12

13 (iii) Within two (2) days, prepare a report of  
14 the inspection containing:

15

16 (A) The name of the person who supervised  
17 the inspection;

18

19 (B) The age and date of birth of the  
20 participant who assisted in the inspection;

21

22 (C) The name and position of the person  
23 from whom the participant attempted to purchase tobacco  
24 products;

1

2

3

(D) The name and address of the establishment inspected;

4

5

6 and

7

8

(E) The date and time of the inspection;

(F) The results of the inspection, including whether the inspection resulted in the sale or distribution of, or offering for sale, tobacco products to the minor.

12

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(iv) Immediately upon completion of the report required under this subsection, provide a copy of the report to a representative or agent of the business establishment that was inspected;

(v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing tobacco products to minors during the inspection.

~~14-3-308~~ 35-7-1608. Further regulation by local ordinance.

1 (a) Except as specified under subsection (b) of this  
2 section, this article shall not be construed to prohibit  
3 the imposition by local law or ordinance of further  
4 regulation or prohibition upon the sale, use and possession  
5 of tobacco products to any person under eighteen (18) years  
6 of age, but the governmental entity shall not permit or  
7 authorize the sale, use or possession of tobacco products  
8 to any person under eighteen (18) years of age in violation  
9 of this article.

10  
11 (b) No governmental entity shall enact any law or  
12 ordinance which changes the standards provided by W.S.  
13 ~~14-3-302(a)~~ 35-7-1602(a) and (c), ~~14-3-303(a)~~ 35-7-1603(a),  
14 ~~14-3-304(a)~~ 35-7-1604(a) and ~~14-3-305(a)~~ 35-7-1605(a) and  
15 (c).

16  
17 (c) The governmental entity may require that sellers  
18 of tobacco products obtain a license to sell tobacco  
19 products and may deny or revoke the license in the case of  
20 reported violations of W.S. ~~14-3-302~~ 35-7-1602 or similar  
21 local ordinance.

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1           **Section 4.** W.S. 14-3-104 is renumbered as 6-2-314,  
2 14-3-107 is renumbered as 6-7-201 and 14-3-301 through  
3 14-3-306 are renumbered as 35-7-1601 through 35-7-1606.

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5           **Section 5.** W.S. 14-2-101 through 14-2-120,  
6 14-3-203(a) (iv), 14-3-211, 14-3-212(c) (ii), 14-3-214(f) and  
7 (g), 14-3-402(a) (xii) (B) (I) through (IV), 14-3-407(b),  
8 14-3-427(d) (i) and (ii), 14-4-101(a) (vi) (A) through (N),  
9 14-4-102(a) (vii), 14-4-103(c) (i), 14-4-114, 14-6-224(d),  
10 14-6-227(d) (i) and (ii), 14-6-240(g), 14-6-424(d),  
11 14-6-427(d) (i) and (ii) and 35-1-417(d) and (g) are  
12 repealed.

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14           **Section 6.** A proceeding to adjudicate parentage under  
15 W.S. 14-2-121 et seq. which was commenced prior to July 1,  
16 2003 shall be governed by the law in effect at the time the  
17 proceeding was commenced.

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19           **Section 7.** This act is effective July 1, 2003.

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(END)