

HOUSE BILL NO. HB0026

Domestic violence-protection order amendments.

Sponsored by: Representative(s) Boswell, Esquibel, Luthi and Osborn and Senator(s) Job, Roberts and Schiffer

A BILL

for

1 AN ACT relating to domestic violence; authorizing the
2 awarding of costs and fees; amending provisions for
3 appointment of counsel and hearing requirements; amending
4 definition of domestic abuse; and providing for an
5 effective date.

6

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

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9 **Section 1.** W.S. 35-21-102(a)(iii), 35-21-103(e) and
10 by creating a new subsection (h) and 35-21-104(a)(iii) and
11 (iv) are amended to read:

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13 **35-21-102. Definitions.**

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15 (a) As used in this act:

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1 (iii) "Domestic abuse" means ~~physical abuse,~~
2 ~~threats of physical abuse or acts which unreasonably~~
3 ~~restrain the personal liberty of any household member by~~
4 ~~any other household member;~~ the occurrence of one (1) or
5 more of the following acts by a household member but does
6 not include acts of self defense:

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8 (A) Physically abusing, threatening to
9 physically abuse, attempting to cause or causing physical
10 harm or acts which unreasonably restrain the personal
11 liberty of any household member;

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13 (B) Placing a household member in fear of
14 physical harm; or

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16 (C) Causing a household member to engage
17 involuntarily in sexual activity by force, threat of force
18 or duress.

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20 **35-21-103. Petition for order of protection;**
21 **contents; prerequisites; counsel to be provided**
22 **petitioners; award of costs and fees.**

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1 (e) The clerk of the court shall make available
2 standard petition forms with instructions for completion to
3 be used by a petitioner. Forms are to be prepared by the
4 victim services division within the office of the attorney
5 general. Upon receipt of the initial petition by the clerk
6 of the court, the clerk shall refer the matter to the
7 court. The court may appoint an attorney to assist and
8 advise the petitioner, ~~and may order the respondent to pay~~
9 ~~the petitioner's attorney's fees.~~ or the petitioner may
10 hire an attorney or file pro se.

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12 (h) The court may require the respondent to pay costs
13 and fees incurred in bringing an action pursuant to this
14 act including reasonable attorney's fees whether the
15 attorney is court appointed or retained by petitioner.

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17 **35-21-104. Temporary order of protection; setting**
18 **hearing.**

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20 (a) Upon the filing of a petition for order of
21 protection, the court shall:

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23 (iii) Hold a hearing on the petition within
24 seventy-two (72) hours after the granting of the temporary

1 order of protection, ~~hold a hearing~~ or as soon thereafter
2 as the petition may be heard by the court on the question
3 of continuing the order; or

4
5 (iv) If an ex parte order is not granted, serve
6 notice to appear upon the parties and hold a hearing on the
7 petition for order of protection within seventy-two (72)
8 hours after the filing of the petition or as soon
9 thereafter as the petition may be heard by the court.

10

11 **Section 2.** This act is effective July 1, 2002.

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(END)