

WORKING DRAFT

SENATE FILE NO. _____

Title 14 revisions.

Sponsored by: Sdraft

A BILL

for

1 AN ACT relating to juveniles; amending provisions relating
2 to child protective services, the Juvenile Court Act and
3 the Children in Need of Supervision Act; authorizing an
4 intensive supervision program for juveniles as specified;
5 amending timelines for temporary protective custody,
6 detention and adjudicatory hearings as specified;
7 clarifying procedures for consent decrees; granting
8 rulemaking authority; conforming provisions; repealing
9 provisions; and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 14-6-309 through 14-6-314 are created

14 to read:

15

1 **14-6-309. Authority to establish an intensive**
2 **supervision program; rulemaking authority.**

3

4 (a) The department is authorized to adopt reasonable
5 rules and regulations to establish an intensive supervision
6 program for juvenile probationers.

7

8 (b) An intensive supervision program established
9 under this article may require:

10

11 (i) Electronic monitoring, regimented daily
12 schedules or itineraries, house arrest, telephone contact,
13 drug testing, curfew checks or other supervision methods
14 which facilitate contact with supervisory personnel;

15

16 (ii) Community service work, family, educational
17 or vocational counseling, treatment for substance abuse,
18 mental health treatment and monitoring of restitution
19 orders and fines previously imposed on the participant; and

20

21 (iii) Imposition of supervision fees to be paid
22 by participants.

23

1 (c) Subject to legislative appropriation, the
2 department may, by negotiation without competitive bid or
3 by competitive bidding, contract with any governmental or
4 nongovernmental entity to provide services required to
5 carry out the provisions of this article.

6

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

10

11 **14-6-310. Program participation not a matter of**
12 **right.**

13

14 (a) Participation in an intensive supervision program
15 authorized by this article is a matter of grace and not of
16 right.

17

18 (b) No juvenile probationer shall be allowed to
19 participate in an intensive supervision program authorized
20 by this article unless the probationer agrees in writing to
21 abide by all the rules and regulations of the department
22 relating to the operation of the program and agrees to
23 submit to administrative sanctions which may be imposed
24 under W.S. 14-6-314.

1

2 **14-6-311. Program participation as a condition of**
3 **release from placement.**

4

5 (a) The department may, as a condition of release
6 from placement, require a juvenile probationer to
7 participate in an intensive supervision program established
8 under this article, provided:

9

10 (i) Space and funding are available for the
11 probationer's participation in the program;

12

13 (ii) The department determines the probationer
14 has a reasonable likelihood of successfully participating
15 in the program.

16

17 **14-6-312. Placement of probationer in program by**
18 **juvenile court.**

19

20 (a) A juvenile court may, as a condition of
21 probation, order that a juvenile who has been adjudicated
22 delinquent participate in an intensive supervision program
23 established under this article, provided:

24

1 (i) Space is available in the program;

2

3 (ii) The juvenile probationer agrees to
4 participate in the program;

5

6 (iii) The department determines the probationer
7 has a reasonable likelihood of successfully participating
8 in the program; and

9

10 (iv) The legislature has specifically
11 appropriated funds or other unencumbered funds are
12 available to pay for the probationer's participation in the
13 program.

14

15 (b) The department shall be responsible for including
16 in the predispositional study to the juvenile court any
17 recommendations for the utilization of an intensive
18 supervision program created under this article.

19

20 **14-6-313. Program participation as an alternative to**
21 **probation revocation.**

22

23 (a) The department may, as an alternative to
24 recommending revocation of probation, offer any juvenile

1 probationer who is not already participating in an
2 intensive supervision program the opportunity to
3 participate in a program authorized under this article,
4 provided:

5

6 (i) Space and funding are available for the
7 probationer's participation in the program;

8

9 (ii) The department determines the probationer
10 has a reasonable likelihood of successfully participating
11 in the program;

12

13 (iii) The probationer agrees to participate in
14 the program; and

15

16 (iv) The department shall notify the juvenile
17 court and the prosecuting attorney of the probationer's
18 agreement to participate in an intensive supervision
19 program.

20

21 **14-6-314. Administrative sanctions for program**
22 **violations.**

23

1 (a) The department is authorized to establish by rule
2 and regulation a system of administrative sanctions as an
3 alternative to probation revocation for juvenile
4 probationers who violate the rules and restrictions of an
5 intensive supervision program established under this
6 article.

7

8 (b) Authorized sanctions may include:

9

10 (i) Loss or restriction of privileges; and

11

12 (ii) Community service.

13

14 **Section 2.** W.S. 4-6-229, 14-3-409(a), (b)(iii), (v),
15 and by creating a new paragraph (vi), (c) and (d)(intro)
16 and (i), 14-3-410(b), 14-3-412(b) by creating a new
17 paragraph (v), 14-3-414(e), 14-3-418(a), (b)(intro), and by
18 creating a new paragraph (iii), 14-3-426(b) and (c) and
19 (e), 14-3-428, 14-3-429(a)(i), (iii), (b)(i), (iv) and
20 (c)(ii), 14-3-431(b), and by creating a new subsection (g),
21 14-6-201(a)(xii) and (xiv), (c)(i), (ii)(A) and (C)(intro),
22 (iii) through (vi), 14-6-203(g)(vi), 14-6-209(a), (b)(iv),
23 (c), (d)(intro) and (i), 14-6-210(b), 14-6-214,
24 14-6-218(a) and (b)(intro), 14-6-226(b) and (c), 14-6-228,

1 14-6-229(a)(i) and (iii), (e)(ii)(B), (iii), by creating a
2 new subsection (r), 14-6-233(a), 14-6-236(a), 14-6-239(d),
3 14-6-301(a)(intro) and by creating a new paragraph (viii),
4 14-6-302(a)(intro) and (i), 14-6-305(c)(ii), 14-6-409(a),
5 (b)(iii), (iv), (c), (d) (intro) and (i), 14-6-410(b),
6 14-6-412(b) by creating a new paragraph (v), 14-6-414(e),
7 14-6-426(b) and (c), 14-6-428 and 14-6-429(a)(i) and (iii),
8 (c)(i)(B) and (ii) are amended to read:

9

10 **14-3-409. Taking of child into custody; informal**
11 **hearing where no court order; conditional release;**
12 **evidence; rehearing.**

13

14 (a) When a child is ~~placed in shelter care~~ taken into
15 temporary protective custody without a court order or under
16 an ex parte emergency order, a petition as provided in W.S.
17 14-3-412 shall be promptly filed and presented to the
18 court. An informal shelter care hearing shall be held as
19 soon as reasonably possible not later than ~~seventy-two (72)~~
20 forty-eight (48) hours, excluding weekends and legal
21 holidays, after the child is taken into temporary
22 protective custody to determine if further shelter care is
23 required pending further court action. Written notice
24 stating the time, place and purpose of the hearing shall be

1 given to the child and to his parents, guardian or
2 custodian.

3

4 (b) At the commencement of the hearing the judge
5 shall advise the child and his parents, guardian or
6 custodian of:

7

8 (iii) The right to confront and cross-examine
9 witnesses or to present witnesses and evidence in their own
10 behalf and the right to issuance of process by the court to
11 compel the appearance of witnesses and the production of
12 evidence;

13

14 (v) The right to appeal as provided in W.S.
15 14-3-432; ~~and~~

16

17 (vi) The state's obligation, pursuant to W.S.
18 14-3-431(d), to file a petition to terminate parental
19 rights when a child has been placed in foster care under
20 the responsibility of the state for fifteen (15) months of
21 the most recent twenty-two (22) months unless the court
22 finds that one (1) of the exceptions listed in W.S. 14-4-
23 431(d) (i) applies.

24

1 (c) The parents, guardian or custodian shall be given
2 an opportunity to admit or deny the allegations in the
3 petition. If the allegations are admitted, the court shall
4 make the appropriate adjudication and may proceed
5 immediately to a disposition of the case in accordance with
6 the provisions of W.S. 14-3-429, except that a commissioner
7 acting in the absence or incapacity of the judge may take
8 testimony to establish a factual basis and accept an
9 admission and perform all other requirements of the initial
10 hearing but shall not proceed to disposition. If denied,
11 the court shall set a time not to exceed sixty (60) days
12 for an adjudicatory hearing, unless the court finds good
13 cause to delay or postpone the hearing. In no case shall
14 the court hold the adjudicatory hearing more than ninety
15 (90) days after the date the petition is filed.

16
17 (d) Regardless of whether the allegations in the
18 petition are admitted or denied, the court shall determine
19 whether or not the child's full-time shelter care is
20 required to protect the child's welfare pending further
21 proceedings. If the court determines that returning the
22 child to the home is contrary to the welfare of the child,
23 the court shall enter the finding on the record and order
24 the child placed in the legal custody of the department of

1 family services. If the court finds that full-time shelter
2 care is not required, the court shall order the child
3 released and may impose one (1) or more of the following
4 conditions:

5
6 (i) Place the child in the custody and
7 supervision of his parents, guardian or custodian, under
8 the supervision of the department of family services or
9 under the protective supervision of any individual or
10 organization approved by the court that agrees to supervise
11 the child; or

12

13 **14-3-410. Hearing conducted by commissioner;**
14 **authority and duty; review by court.**

15

16 (b) The commissioner may make any order concerning
17 the child's release or continued shelter care as authorized
18 to the judge under W.S. 14-3-409. If the child is not
19 released after the hearing, the commissioner shall promptly
20 file with the court a complete written resume of the
21 evidence adduced at the hearing and his reasons for not
22 releasing the child. The commissioner shall conduct the
23 hearing pursuant to W.S. 14-3-409, except that if the
24 parent who had been advised of his rights wishes to admit

1 the allegations, the court may take testimony to establish
2 a factual basis and accept the admission and perform all
3 other requirements of the initial hearing but shall not
4 enter the adjudication or proceed to disposition. The
5 commissioner may also appoint counsel, appoint a guardian
6 ad litem, order a predisposition report, appoint a
7 multidisciplinary team, issue subpoenas or search warrants,
8 order physical or medical examinations and authorize
9 emergency medical, surgical or dental treatment all as
10 provided in ~~W.S. 14-3-417 through 14-3-420~~ this act. The
11 commissioner shall not make final orders of adjudication or
12 disposition.

13

14 **14-3-412. Commencement of proceedings; contents of**
15 **petition.**

16

17 (b) The petition shall set forth all jurisdictional
18 facts, including but not limited to:

19

20 (v) Whether the child is an Indian child as
21 defined in the federal Indian Child Welfare Act and, if so,
22 a statement setting forth with particularity the notice
23 provided to the appropriate tribal court.

24

1 **14-3-414. 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. 14-3-413 or
10 that a child be held in shelter care pending further
11 proceedings as provided in W.S. 14-3-409, even though
12 service of order to appear on the parents, guardian or
13 custodian of the child is not complete at the time of
14 making the order.

15

16 **14-3-418. Search warrant; when authorized; affidavit**
17 **required; contents of affidavit and warrant; service and**
18 **return.**

19

20 (a) The court or a commissioner may issue a search
21 warrant within the court's jurisdiction if it appears by
22 application supported by affidavit of one (1) or more
23 adults that a child is being neglected, unlawfully detained
24 or physically abused and his health or welfare requires

1 that he be taken immediately into custody, or it appears by
2 application supported by affidavit of one (1) or more
3 adults that evidence of child abuse exists.

4
5 (b) The affidavit ~~must~~ shall be in writing, signed
6 and affirmed by the affiant. The affidavit ~~must~~ shall set
7 forth:

8
9 (iii) The affiant's belief that the evidence of
10 child abuse or neglect exists and could be obtained through
11 forensic means, and a statement of the facts upon which the
12 belief is based.

13
14 **14-3-426. Initial appearance; adjudicatory hearing;**
15 **entry of decree and disposition; evidentiary matters;**
16 **continuance of disposition hearing.**

17
18 (b) If the allegations of the petition are denied,
19 the court may, with consent of the parties, proceed
20 immediately to hear evidence on the petition or it may set
21 a later time not to exceed sixty (60) days for an
22 adjudicatory hearing, unless the court finds good cause to
23 delay or postpone the hearing. Only competent, relevant and
24 material evidence shall be admissible at an adjudicatory

1 hearing to determine the truth of the allegations in the
2 petition. If after an adjudicatory hearing the court finds
3 that the allegations in the petition are not established as
4 required by this act, it shall dismiss the petition and
5 order the child released from any shelter care.

6
7 **14-3-428. Abeyance of proceedings by consent decree;
8 term of decree; reinstatement of proceedings; effect of
9 discharge or completing term.**

10
11 (a) At any time after the filing of a petition
12 alleging a child to be neglected and before adjudication,
13 the court may issue a consent decree ordering further
14 proceedings held in abeyance. ~~and place a neglected child~~
15 ~~in accordance with W.S. 14-3-429.~~ The placement of the
16 child is subject to the terms, conditions and stipulations
17 agreed to by the parties affected in accordance with W.S.
18 14-3-429. The consent decree shall not be entered without
19 the consent of the district attorney, the department of
20 family services, the child's guardian ad litem and the
21 parents. A parent may enter into a consent decree only one
22 (1) time. Subsequent petitions under this act filed against
23 a parent who has previously entered into a consent decree
24 shall proceed to adjudication without a consent decree.

1

2 (b) The consent decree shall be in writing and copies
3 given to all parties. The decree shall include the case
4 plan for the family.

5

6 (c) Before entering a consent decree, the parties
7 shall appear before the judge. The judge shall advise the
8 parents of their rights.

9

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

14

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

21

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

1

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

13

*****Staff Comment*****

14 At the final meeting of the Select Committee on
15 Juveniles, August 15, 2003, a motion was made to
16 delete specific language requiring an admission
17 by the parties prior to entry of a consent
18 decree. That motion did not address the proposed
19 language in 14-3-428(g), *supra*, or in 14-6-228(e)
20 and 14-6-428(g), *infra*. I believe this proposed
21 language may cause confusion and should be
22 amended, but because the Select Committee did not
23 address or make any recommendations regarding how
24 to address these subsections before completing
25 its work, I am recommending that the language in
26 these subsections should be reviewed for possible
27 amendment, if this bill is to proceed further.

28

29 ~~(e)~~ (h) If the parties to the consent decree ~~complete~~
30 ~~the period of supervision under a~~ fulfill the terms and
31 conditions of the consent decree ~~without reinstatement of~~

1 ~~the original petition~~ they shall not thereafter be
2 proceeded against in any court for the same misconduct
3 alleged in the original petition except concurrent criminal
4 allegations or charges against a person accused to have
5 abused or neglected a child shall not be affected by a
6 consent decree.

7

8 **14-3-429. Decree where child adjudged neglected;**
9 **dispositions; terms and conditions; legal custody.**

10

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

13

14 (i) The court shall ~~place on the record~~ review
15 the predisposition report, ~~and~~ the recommendations, if any,
16 of the multidisciplinary team, the case plan and other
17 reports or evaluations ordered by the court and indicate on
18 the record what materials were considered in reaching the
19 disposition;

20

21 (iii) When a child is adjudged by the court to
22 be neglected the court shall enter its decree to that
23 effect and make a disposition as provided in this section
24 that places the child in the least restrictive environment

1 consistent with what is best suited to the public interest
2 of preserving families, and the physical, mental and moral
3 welfare of the child; ~~and in accord with the actual~~
4 ~~facilities presently available when the decree is entered;~~

5

6 (b) If the child is found to be neglected the court
7 may:

8

9 (i) Permit the child to remain in the legal
10 custody of his parents, guardian or custodian without
11 protective supervision, subject to terms and conditions
12 prescribed by the court;

13

14 (iv) Transfer temporary legal custody to the
15 department of family services or a state or local public
16 agency responsible for the care and placement of neglected
17 children, provided the child shall not be committed to the
18 Wyoming boys' school, the Wyoming girls' school or the
19 Wyoming state hospital.

20

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

23

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

8
9 **14-3-431. Duration of orders of disposition;**
10 **termination of orders; petition for termination of parental**
11 **rights.**

12
13 (b) Unless sooner terminated by court order, all
14 orders issued under this act shall terminate with respect
15 to a child adjudicated neglected, when he reaches eighteen
16 (18) years of age ~~or has graduated from high school~~ unless
17 the court has ordered care or services to continue beyond
18 that time. The court shall conduct a review hearing at
19 least six (6) months before the child reaches eighteen (18)
20 years of age to determine whether care or transitional
21 services should continue for a period of time prior to the
22 individual reaching the age of twenty-one (21) years.

23

1 (g) At each of the review hearings, the court shall
2 enter findings on the record pursuant to subsection (c) of
3 this section.

4
5 **14-6-201. Definitions; short title; statement of**
6 **purpose and interpretation.**

7
8 (a) As used in this act:

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

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

6
7 (i) To provide for the best interests of the
8 child and the protection of the public and public safety;

9
10 (ii) Consistent with the best interests of the
11 child and the protection of the public and public safety:

12
13 (A) To promote the concept of punishment
14 for criminal acts while recognizing and distinguishing the
15 behavior of children who have been victimized or have
16 disabilities, such as serious mental illness that requires
17 treatment or children with a cognitive impairment that
18 requires services;

19
20 (C) To provide treatment, training and
21 rehabilitation that emphasizes the accountability and
22 responsibility of both the parent and the child for the
23 child's conduct, reduces recidivism and helps children to
24 become functioning and contributing adults.

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

(iv) To ~~protect the welfare of~~ be flexible and innovative and encourage coordination at the community ~~and level~~ to ~~control~~ reduce the commission of unlawful acts by children;

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

(vi) To provide a simple judicial procedure through which the provisions of this act are executed and enforced and in which the parties are assured a fair and

1 timely hearing and their constitutional and other legal
2 rights recognized and enforced.

3

4 **14-6-203. Jurisdiction; confidentiality of records.**

5

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

15

16 (vi) The disclosure is authorized by W.S.
17 7-19-504. ~~or 14-6-240(g).~~

18

19 **14-6-209. Taking of child into custody; informal**
20 **hearing where no court order; conditional release;**
21 **evidence; rehearing.**

22

23 (a) When a child is placed in detention or shelter
24 care without a court order, a petition as provided in W.S.

1 14-6-212 shall be promptly filed and presented to the
2 court. An informal detention or shelter care hearing shall
3 be held as soon as reasonably possible not later than
4 ~~seventy-two (72)~~ forty-eight (48) hours, excluding weekends
5 and legal holidays, after the child is taken into custody
6 to determine if further detention or shelter care is
7 required pending further court action. Written notice
8 stating the time, place and purpose of the hearing shall be
9 given to the child and to his parents, guardian or
10 custodian.

11

12 (b) At the commencement of the hearing the judge
13 shall advise the child and his parents, guardian or
14 custodian of:

15

16 (iv) The right to confront and cross-examine
17 witnesses or to present witnesses and evidence in their own
18 behalf and the right to issuance of process by the court to
19 compel the appearance of witnesses and the production of
20 evidence;

21

22 (c) The child shall be given an opportunity to admit
23 or deny the allegations in the petition. If the allegations
24 are admitted, the court shall make the appropriate

1 adjudication and may proceed immediately to a disposition
2 of the case, provided the court has the predisposition
3 report and multidisciplinary team recommendations, in
4 accordance with the provisions of W.S. 14-6-229, except
5 that a commissioner acting in the absence or incapacity of
6 the judge may take testimony to establish a factual basis
7 and accept an admission and perform all other requirements
8 of the initial hearing but shall not proceed to
9 disposition. If denied, the court shall set a time not to
10 exceed sixty (60) days for an adjudicatory hearing or a
11 transfer hearing, unless the court finds good cause to
12 delay or postpone the hearing. In no case shall the court
13 hold the adjudicatory hearing more than ninety (90) days
14 after the date the petition is filed.

15

16 (d) Regardless of whether the allegations in the
17 petition are admitted or denied, the court shall determine
18 whether or not the child's full-time detention or shelter
19 care is required pending further proceedings. If the court
20 finds that returning the child to the home is contrary to
21 the welfare of the child, the court shall enter the finding
22 on the record and order the child placed in the legal
23 custody of the department. If the court finds that
24 full-time detention or shelter care is not required, the

1 court shall order the child released and may impose one (1)
2 or more of the following conditions:

3

4 (i) Place the child in the custody and
5 supervision of his parents, guardian or custodian, under
6 the protective supervision of the department or a county or
7 state probation officer or under the supervision of any
8 individual or organization approved by the court that
9 agrees to supervise the child;

10

11 **14-6-210. Hearing conducted by commissioner;**
12 **authority and duty; review by court.**

13

14 (b) The commissioner may make any order concerning
15 the child's release, continued detention or shelter care as
16 authorized to the judge under W.S. 14-6-209. If the child
17 is not released after the hearing, the commissioner shall
18 promptly file with the court a complete written resume of
19 the evidence adduced at the hearing and his reasons for not
20 releasing the child. The commissioner shall conduct the
21 hearing pursuant to W.S. 14-6-209 except that, if a child
22 who has been advised of his rights wishes to admit the
23 allegations, the commissioner may take testimony to
24 establish a factual basis and accept the admission and

1 perform all other requirements of the initial hearing but
2 shall not proceed to disposition. The commissioner may also
3 appoint counsel, appoint a guardian ad litem, order a
4 predisposition report, appoint a multidisciplinary team,
5 issue subpoenas or search warrants, order physical or
6 medical examinations and authorize emergency medical,
7 surgical or dental treatment all as provided in W.S.
8 ~~14-6-217 through 14-6-220~~ this act. The commissioner shall
9 not make final orders of adjudication or disposition.

10
11 **14-6-214. Service of process; order of custody or**
12 **detention.**

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

1 or custodian of the child is not complete at the time of
2 making the order.

3

4

5 **14-6-218. Search warrant; when authorized; affidavit**
6 **required; contents of affidavit and warrant; service and**
7 **return.**

8

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

17

18 (b) The affidavit ~~must~~ shall be in writing, signed
19 and affirmed by the affiant. The affidavit ~~must~~ shall set
20 forth:

21

22 **14-6-226. Initial appearance; adjudicatory or**
23 **transfer hearing; entry of decree and disposition;**
24 **evidentiary matters; continuance of disposition hearing.**

1

2 (b) If the allegations of the petition are denied,
3 the court may, with consent of the parties, proceed
4 immediately to hear evidence on the petition or it may set
5 a later time not to exceed sixty (60) days for an
6 adjudicatory or a transfer hearing, unless the court finds
7 good cause to delay or postpone the hearing. Only
8 competent, relevant and material evidence shall be
9 admissible at an adjudicatory hearing to determine the
10 truth of the allegations in the petition. If after an
11 adjudicatory hearing the court finds that the allegations
12 in the petition are not established as required by this
13 act, it shall dismiss the petition and order the child
14 released from any detention or shelter care.

15

16 (c) If after an adjudicatory hearing or a valid
17 admission or confession the court or jury finds that a
18 child committed the acts alleging him delinquent, it shall
19 enter a decree to that effect stating the jurisdictional
20 facts upon which the decree is based. It may then proceed
21 immediately or at a postponed hearing within sixty (60)
22 days to make proper disposition of the child, unless the
23 court finds good cause to delay or postpone the hearing.

24

1 **14-6-228. 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 delinquent and before adjudication, the
7 court may issue a consent decree ordering further
8 proceedings held in abeyance and place a delinquent child
9 under the supervision of a probation officer. The
10 placement of the child is subject to the terms, conditions
11 and stipulations agreed to by the parties affected. The
12 consent decree shall not be entered without the consent of
13 the district attorney, the department, the child's
14 attorney, where applicable, and the child and the
15 notification of the parents.

16
17 (b) The consent decree shall be in writing and copies
18 given to each of the parties. The decree shall include the
19 case plan for the child.

20
21 (c) Before entering the consent decree, the parties
22 shall appear before the judge. The judge shall advise the
23 child of his rights.

24

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

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

15
16 (f) If a consent decree is in effect and the child is
17 in placement, the court shall hold a six (6) month and
18 twelve (12) month review under W.S. 14-6-229.

19
20 ~~(e)~~(g) A child discharged by the court under a
21 consent decree without ~~reinstatement~~ entry of the original
22 ~~petition~~ adjudication shall not thereafter be proceeded
23 against in any court for the same offense or misconduct
24 alleged in the original petition.

1

2 **14-6-229. Decree where child adjudged delinquent;**
3 **dispositions; terms and conditions; legal custody.**

4

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

7

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

14

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

20

21 (e) In cases where a child is ordered removed from
22 the child's home:

23

1 (ii) If a child is committed or transferred to
2 an agency or institution under this section:

3
4 (B) Not less than once every ~~twelve (12)~~
5 six (6) months, the court of jurisdiction shall conduct a
6 formal review to assess and determine the appropriateness
7 of the current placement, the reasonable efforts made to
8 reunify the family, the safety of the child and the
9 permanency plan for the child. ~~Placements at the Wyoming~~
10 ~~boys' school, the Wyoming girls' school and the Wyoming~~
11 ~~state hospital are exempt from the review required by this~~
12 ~~subparagraph.~~

13
14 (iii) 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. 14-6-236, or shall state on the record
20 the reasons why an order for support was not entered.

21
22 (r) An agency of state government vested with
23 temporary legal custody of a child under this section shall
24 have the right to transport the child as necessary.

1

2 **14-6-233. Appeal; right generally; transcript**
3 **provided; cost thereof.**

4

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

9

10 **14-6-236. Ordering payment for support and treatment**
11 **of child; how paid; enforcement.**

12

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

1 of support shall be determined in accordance with the
2 presumptive child support established by W.S. 20-2-304. In
3 any case where the court has deviated from the presumptive
4 child support, the reasons therefor shall be specifically
5 set forth in the order. The amount ordered to be paid shall
6 be paid to the clerk of the juvenile court for transmission
7 to the person, institution or agency having legal custody
8 of the child or to whom compensation is due. The clerk of
9 court is authorized to receive periodic payments payable in
10 the name or for the benefit of the child, including but not
11 limited to social security, veteran's administration
12 benefits or insurance annuities, and apply the payments as
13 the court directs. An order for support under this
14 subsection shall include a statement of the addresses and
15 social security numbers if known, of each obligor, the
16 names and addresses of each obligor's employer and the
17 names and birthdates of each child to whom the order
18 relates. The court shall order each obligor to notify the
19 clerk of court in writing within fifteen (15) days of any
20 change in address or employment. If any person who is
21 legally obligated to support the child does not have full
22 time employment, the court may require that person to seek
23 full time employment and may require community service work
24 in lieu of payment until full time employment is obtained.

1

2 **14-6-239. Records and reports confidential;**
3 **inspection.**

4

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

8

9 **14-6-301. Definitions.**

10

11 (a) As used in W.S. 14-6-301 through ~~14-6-308~~ 14-6-
12 314:

13

14 (viii) "Intensive supervision program" means a
15 program established under W.S. 14-6-309 which allows
16 participants to live or work in the community under close
17 supervision methods.

18

19 **14-6-302. General powers.**

20

21 (a) The department of family services shall adopt
22 reasonable rules and regulations necessary to carry out the
23 provisions of W.S. 14-6-301 through ~~14-6-308~~ 14-6-314
24 including policy relating to:

1

2 (i) The conduct of predisposition reports,
3 social summaries, multidisciplinary team reviews, case plan
4 development, hearings and interviews;

5

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

7

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

10

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

15

16 **14-6-409. Taking of child into custody; informal**
17 **hearing where no court order; conditional release;**
18 **evidence; rehearing.**

19

20 (a) When a child is placed in detention or shelter
21 care without a court order, a petition as provided in W.S.
22 14-6-412 shall be promptly filed and presented to the
23 court. An informal detention or shelter care hearing shall
24 be held as soon as reasonably possible not later than

1 ~~seventy-two (72)~~ forty-eight (48) hours, excluding weekends
2 and legal holidays, after the child is taken into custody
3 to determine if further detention or shelter care is
4 required pending further court action. Written notice
5 stating the time, place and purpose of the hearing shall be
6 given to the child and to his parents, guardian or
7 custodian.

8
9 (b) At the commencement of the hearing the judge
10 shall advise the child and his parents, guardian or
11 custodian of:

12
13 (iii) The right to confront and cross-examine
14 witnesses or to present witnesses or evidence in their own
15 behalf and the right to issuance of process by the court to
16 compel the appearance of witnesses and the production of
17 evidence;

18
19 (iv) The right to a jury trial as provided in
20 W.S. 14-6-423; and

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

1 adjudication and may proceed immediately to a disposition
2 of the case, provided the court had the predisposition
3 report and multidisciplinary recommendations, in accordance
4 with the provisions of W.S. 14-6-429, except that a
5 commissioner acting in the absence or incapacity of the
6 judge may take testimony to establish a factual basis and
7 accept an admission and perform all other requirements of
8 the initial hearing but shall not proceed to disposition.
9 If denied, the court shall set a time not to exceed ~~forty-~~
10 ~~five~~ (45) sixty (60) days for an adjudicatory hearing,
11 unless the court finds good cause to delay or postpone the
12 hearing. In no case shall the court hold the adjudicatory
13 hearing more than ninety (90) days after the date the
14 petition is filed.

15

16 (d) Regardless of whether the allegations in the
17 petition are admitted or denied, the court shall determine
18 whether or not the child's full-time detention or shelter
19 care is required pending further proceedings. If the court
20 finds that returning the child to the home is contrary to
21 the welfare of the child, the court shall enter the finding
22 on the record and order the child placed in the legal
23 custody of the department of family services. If the court
24 finds that full-time detention or shelter care is not

1 required, the court shall order the child released and may
2 impose one (1) or more of the following conditions:

3

4 (i) Place the child in the custody and
5 supervision of his parents, guardian or custodian, under
6 the protective supervision of the department of family
7 services or under the supervision of any individual or
8 organization approved by the court that agrees to supervise
9 the child;

10

11 **14-6-410. Hearing conducted by commissioner;**
12 **authority and duty; review by court.**

13

14 (b) The commissioner may make any order concerning
15 the child's release, continued detention or shelter care as
16 authorized to the judge under W.S. 14-6-409. If the child
17 is not released after the hearing, the commissioner shall
18 promptly file with the court a complete written resume of
19 the evidence adduced at the hearing and his reasons for not
20 releasing the child. The commissioner shall conduct the
21 hearing pursuant to W.S. 14-6-409 except that, if a child
22 who has been advised of his rights wishes to admit the
23 allegations, the commissioner may take testimony to
24 establish a factual basis and accept the admission and

1 perform all other requirements of the initial hearing but
2 shall not proceed to disposition. The commissioner may
3 also appoint counsel, appoint a guardian ad litem, order a
4 predisposition report, appoint a multidisciplinary team,
5 issue subpoenas or search warrants, order physical or
6 medical examinations and authorize emergency medical,
7 surgical or dental treatment all as provided in W.S.
8 ~~14-6-417 through 14-6-420~~ this act. The commissioner shall
9 not make final orders of adjudication or disposition.

10
11 **14-6-412. Commencement of proceedings; contents of**
12 **petition.**

13
14 (b) The petition shall set forth all jurisdictional
15 facts, including but not limited to:

16
17 (v) Whether the child is an Indian child as
18 defined in the federal Indian Child Welfare Act and, if so,
19 a statement setting forth with particularity the notice
20 provided to the appropriate tribal court.

21
22 **14-6-414. Service of process; order of custody.**

23

1 (e) When personal service of order to appear is made
2 within the state, service ~~must~~ shall be completed not less
3 than two (2) days before the hearing and when made outside
4 the state, service ~~must~~ shall be completed not less than
5 five (5) days before the hearing. However, notwithstanding
6 any provision within this act, the court may order that a
7 child be taken into custody as provided in W.S. 14-6-413 or
8 that a child be held in detention or shelter care pending
9 further proceedings as provided in W.S. 14-6-409, even
10 though service of order to appear on the parents, guardian
11 or custodian of the child is not complete at the time of
12 making the order.

13

14 **14-6-426. Initial appearance; adjudicatory hearing;**
15 **entry of decree and disposition; evidentiary matters;**
16 **continuance of disposition hearing.**

17

18 (b) If the allegations of the petition are denied,
19 the court may, with consent of the parties, proceed
20 immediately to hear evidence on the petition or it may set
21 a later time not to exceed sixty (60) days for an
22 adjudicatory hearing, unless the court finds good cause to
23 delay or postpone the hearing. Only competent, relevant and
24 material evidence shall be admissible at an adjudicatory

1 hearing to determine the truth of the allegations in the
2 petition. If after an adjudicatory hearing the court finds
3 that the allegations in the petition are not established as
4 required by this act, it shall dismiss the petition and
5 order the child released from any detention or shelter
6 care.

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) days to make proper
14 disposition of the child, unless the court finds good cause
15 to delay or postpone the hearing.

16
17 **14-6-428. Abeyance of proceedings by consent decree;**
18 **term of decree; reinstatement of proceedings; effect of**
19 **discharge or completing term.**

20
21 (a) At any time after the filing of a petition
22 alleging a child to be in need of supervision and before
23 adjudication, the court may issue a consent decree ordering
24 further proceedings held in abeyance and place a child in

1 need of supervision under the supervision of the department
2 of family services or any other qualified person the court
3 may designate. The placement of the child is subject to the
4 terms, conditions and stipulations agreed to by the parties
5 affected. The consent decree shall not be entered without
6 the consent of the district attorney, the department of
7 family services, the child's legal representative, where
8 applicable, and the child and the notification of the
9 parents.

10 *****Staff Comment*****

11 The preceding paragraph refers to the "child's
12 legal representative", but the similar provision
13 in W.S. 14-6-228 refers to "the child's
14 attorney". I don't know if this was intentional.
15

16 (b) The consent decree agreement shall be in writing
17 and copies given to each of the parties. It shall include
18 the case plan for the child or his family.

19
20 (c) Before entering the consent decree, the parties
21 shall appear before the judge. The judge shall advise the
22 child and his parents of their rights.

23
24 ~~(b)~~ (d) A consent decree shall be in force for the
25 period agreed upon by the parties but not longer than one
26 (1) year unless sooner terminated by the court. If prior to

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

11

12 (e) If a consent decree is in effect and the child is
13 in placement, the court shall hold a six (6) month review
14 and twelve (12) month review as provided under W.S.
15 14-6-429.

16

17

18 ~~(e)~~ (f) If the child completes the period of
19 supervision under a consent decree without ~~reinstatement~~
20 ~~entry~~ of the original ~~petition~~ adjudication he shall not
21 thereafter be proceeded against in any court for the same
22 misconduct alleged in the original petition. The child's
23 admission at the consent decree may be admitted at the
24 adjudication hearing under W.S. 14-6-426.

1

2 **14-6-429. Decree where child adjudged in need of**
3 **supervision; dispositions; terms and conditions; legal**
4 **custody.**

5

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

8

9 (i) The court shall ~~place on the record~~ review
10 the predisposition report, ~~and~~ the recommendations, if any,
11 of the multidisciplinary team, the case plan and other
12 reports or evaluations ordered by the court and indicate on
13 the record what materials were considered in reaching the
14 disposition;

15

16 (iii) When a child is adjudged by the court to
17 be in need of supervision the court shall enter its decree
18 to that effect and make a disposition as provided in this
19 section that places the child in the least restrictive
20 environment consistent with what is best suited to the
21 public interest of preserving families, the physical,
22 mental and moral welfare of the child; ~~and in accord with~~
23 ~~the actual facilities presently available when the decree~~
24 ~~is entered;~~

1

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

4

5 (i) If a child is committed or transferred to an
6 agency or institution under this section:

7

8 (B) Not less than once every ~~twelve (12)~~
9 six (6) months, the court of jurisdiction shall conduct a
10 formal review to assess and determine the appropriateness
11 of the current placement, the reasonable efforts made to
12 reunify the family, the safety of the child and the
13 permanency plan for the child. ~~Placements at the Wyoming~~
14 ~~state hospital are exempt from the review required by this~~
15 ~~subparagraph.~~

16

17 (ii) The court ~~on its own motion, or on the~~
18 ~~motion of the person, agency or institution vested with~~
19 ~~custody or to whom compensation is due,~~ shall order the
20 parents or other legally obligated person to pay a
21 reasonable sum for the support and treatment of the child
22 as required by W.S. 14-6-435, or shall state on the record
23 the reasons why an order for support was not entered.

24

1 **Section 3.** W.S. 14-6-224(d), 14-6-240(g) and
2 14-6-424(d) are repealed.

3

4 **Section 4.** This act is effective July 1, 2004.

5

6

(END)

1