

SENATE FILE NO. SF0008

Title 14 revisions.

Sponsored by: Joint Judiciary Interim Committee

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

16 **14-6-309. Authority to establish an intensive**
17 **supervision program; rulemaking authority.**

1

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

5

6 (b) An intensive supervision program established
7 under this article may require:

8

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

13

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

18

19 (iii) Imposition of supervision fees to be paid
20 by participants.

21

22 (c) Subject to legislative appropriation and upon the
23 determination of an emergency by the department as approved
24 by the governor, the department may, by negotiation without

1 competitive bid or by competitive bidding, contract with
2 any governmental or nongovernmental entity to provide
3 services required to carry out the provisions of this
4 article.

5

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

9

10 **14-6-310. Program participation not a matter of**
11 **right.**

12

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

16

17 (b) No juvenile probationer shall be allowed to
18 participate in an intensive supervision program authorized
19 by this article unless the probationer signs an intensive
20 supervised probation agreement to abide by the terms of all
21 the rules and regulations of the department relating to the
22 operation of the program and agrees to submit to
23 administrative sanctions which may be imposed under W.S.
24 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 court-ordered placement and if authorized by the
7 court, require a juvenile probationer to participate in an
8 intensive supervision program established under this
9 article, provided:

10

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

13

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

17

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

20

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

1

2 (i) Space is available in the program;

3

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

6

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

10

11 (iv) The legislature has specifically
12 appropriated funds or other grants and aid payments
13 authorized for this program are available to pay for the
14 probationer's participation in the program.

15

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

20

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

23

1 (a) The department may, as an alternative to
2 recommending revocation of probation, offer any juvenile
3 probationer who is not already participating in an
4 intensive supervision program the opportunity to
5 participate in a program authorized under this article,
6 provided:

7

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

10

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

14

15 (iii) The probationer agrees to participate in
16 the program; and

17

18 (iv) The department shall notify the juvenile
19 court and the prosecuting attorney of the probationer's
20 agreement to participate in an intensive supervision
21 program and provide a copy of the signed agreement to the
22 juvenile court and the prosecuting attorney.

23

1 **14-6-314. Administrative sanctions for program**
2 **violations.**

3

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

10

11 (b) Authorized sanctions may include:

12

13 (i) Loss or restriction of privileges; and

14

15 (ii) Community service.

16

17 **Section 2.** W.S. 14-3-409(a), (b)(iii), (v), by
18 creating a new paragraph (vi), (c), (d)(intro) and (i),
19 14-3-410(b), 14-3-412(b) by creating a new paragraph (v),
20 14-3-414(e), 14-3-418(a), (b)(intro) and by creating a new
21 paragraph (iii), 14-3-426(b), 14-3-428, 14-3-429(a)(i),
22 (iii), (b)(i), (iv) and (c)(ii) and by creating a new
23 paragraph (iii), 14-3-431(b) and by creating a new
24 subsection (g), 14-6-201(a)(xii), (xiv), (c)(i),

1 (ii) (intro), (A), (C) and (iii) through (vi),
2 14-6-203(f) (i) and (ii) and (g) (vi), 14-6-209(a), (b) (iv),
3 (c), (d) (intro) and (i), 14-6-210(b), 14-6-214(e),
4 14-6-218(a) and (b) (intro), 14-6-226(b) and (c), 14-6-228,
5 14-6-229(a) (i), (iii), (e) (ii) (B), (iii) and by creating a
6 new paragraph (iv) and by creating a new subsection (r),
7 14-6-233(a), 14-6-236(a), 14-6-239(d), 14-6-301(a) (intro)
8 and by creating a new paragraph (viii), 14-6-302(a) (intro)
9 and (i), 14-6-305(c) (ii), 14-6-409(a), (b) (iii), (iv), (c),
10 (d) (intro) and (i), 14-6-410(b), 14-6-412(b) by creating a
11 new paragraph (v), 14-6-414(e), 14-6-426(b) and (c),
12 14-6-428 and 14-6-429(a) (i), (iii), (c) (i) (B) and (ii) and
13 by creating a new paragraph (iii) are amended to read:

14

15 **14-3-409. Taking of child into custody; informal**
16 **hearing where no court order; conditional release;**
17 **evidence; rehearing.**

18

19 (a) When a child is ~~placed in shelter care~~ taken into
20 temporary protective custody without a court order or under
21 an ex parte emergency order, a petition as provided in W.S.
22 14-3-412 shall be promptly filed and presented to the
23 court. An informal shelter care hearing shall be held as
24 soon as reasonably possible not later than ~~seventy-two (72)~~

1 forty-eight (48) hours, excluding weekends and legal
2 holidays, after the child is taken into temporary
3 protective custody to determine if further 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 and 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 (v) The right to appeal as provided in W.S.
20 14-3-432; and

21
22 (vi) The state's obligation, pursuant to W.S.
23 14-3-431(d), to file a petition to terminate parental
24 rights when a child has been placed in foster care under

1 the responsibility of the state for fifteen (15) months of
2 the most recent twenty-two (22) months unless the court
3 finds that one (1) of the exceptions listed in W.S.
4 14-3-431(d) applies.

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

21
22 (d) Regardless of whether the allegations in the
23 petition are admitted or denied, the court shall determine
24 whether or not the child's full-time shelter care is

1 required to protect the child's welfare pending further
2 proceedings. If the court determines that returning the
3 child to the home is contrary to the welfare of the child,
4 the court shall enter the finding on the record and order
5 the child placed in the legal custody of the department of
6 family services. If the court finds that full-time shelter
7 care is not required, the court shall order the child
8 released and may impose one (1) or more of the following
9 conditions:

10

11 (i) Place the child in the custody and
12 supervision of his parents, guardian or custodian, under
13 the supervision of the department of family services or
14 under the protective supervision of any individual or
15 organization approved by the court that agrees to supervise
16 the child; or

17

18 **14-3-410. Hearing conducted by commissioner;**
19 **authority and duty; review by court.**

20

21 (b) The commissioner may make any order concerning
22 the child's release or continued shelter care as authorized
23 to the judge under W.S. 14-3-409. If the child is not
24 released after the hearing, the commissioner shall promptly

1 file with the court a complete written resume of the
2 evidence adduced at the hearing and his reasons for not
3 releasing the child. The commissioner shall conduct the
4 hearing pursuant to W.S. 14-3-409, except that if the
5 parent who had been advised of his rights wishes to admit
6 the allegations, the court may take testimony to establish
7 a factual basis and accept the admission and perform all
8 other requirements of the initial hearing but shall not
9 enter the adjudication or proceed to disposition. The
10 commissioner may also appoint counsel, appoint a guardian
11 ad litem, order a predisposition report, appoint a
12 multidisciplinary team, issue subpoenas or search warrants,
13 order physical or medical examinations and authorize
14 emergency medical, surgical or dental treatment all as
15 provided in ~~W.S. 14-3-417 through 14-3-420~~ this act. The
16 commissioner shall not make final orders of adjudication or
17 disposition.

18

19 **14-3-412. Commencement of proceedings; contents of**
20 **petition.**

21

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

24

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

5
6 **14-3-414. Service of process; order of custody.**

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. 14-3-413 or
15 that a child be held in shelter care pending further
16 proceedings as provided in W.S. 14-3-409, even though
17 service of order to appear on the parents, guardian or
18 custodian of the child is not complete at the time of
19 making the order.

20
21 **14-3-418. Search warrant; when authorized; affidavit**
22 **required; contents of affidavit and warrant; service and**
23 **return.**

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

9
10 (b) The affidavit ~~must~~ shall be in writing, signed
11 and affirmed by the affiant. The affidavit ~~must~~ shall set
12 forth:

13
14 (iii) The affiant's belief that evidence of
15 child abuse or neglect exists and could be obtained through
16 forensic means, and a statement of the facts upon which the
17 belief is based.

18
19 **14-3-426. Initial appearance; adjudicatory hearing;**
20 **entry of decree and disposition; evidentiary matters;**
21 **continuance of disposition hearing.**

22
23 (b) If the allegations of the petition are denied,
24 the court may, with consent of the parties, proceed

1 immediately to hear evidence on the petition or it may set
2 a later time not to exceed sixty (60) days for an
3 adjudicatory hearing, unless the court finds good cause to
4 delay or postpone the hearing. In no case shall the court
5 hold the adjudicatory hearing more than ninety (90) days
6 after the date the petition is filed. Only competent,
7 relevant and material evidence shall be admissible at an
8 adjudicatory hearing to determine the truth of the
9 allegations in the petition. If after an adjudicatory
10 hearing the court finds that the allegations in the
11 petition are not established as required by this act, it
12 shall dismiss the petition and order the child released
13 from any shelter care.

14

15 **14-3-428. Abeyance of proceedings by consent decree;**
16 **term of decree; reinstatement of proceedings; effect of**
17 **discharge or completing term.**

18

19 (a) At any time after the filing of a petition
20 alleging a child to be neglected and before adjudication,
21 the court may issue a consent decree ordering further
22 proceedings held in abeyance. ~~and place a neglected child~~
23 ~~in accordance with W.S. 14-3-429.~~ The placement of the
24 child is subject to the terms, conditions and stipulations

1 agreed to by the parties affected in accordance with W.S.
2 14-3-429. The consent decree shall not be entered without
3 the consent of the district attorney, the department of
4 family services, the child's guardian ad litem and the
5 parents. Modifications to an existing consent decree may be
6 allowed.

7
8 (b) The consent decree shall be in writing and copies
9 given to all parties. The decree shall include the case
10 plan for the family.

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

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

23

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

4
5 (f) If prior to discharge by the court or expiration
6 of the consent decree, the parents or guardian of a child
7 alleged to be neglected fail to fulfill the terms and
8 conditions of the decree or a new petition is filed
9 alleging the child to be neglected, the original petition
10 and proceeding may be reinstated upon order of the court
11 after hearing, and the ~~matter~~ court may proceed as though
12 the consent decree had never been entered. If, as part of
13 the consent decree, the parents or guardian made an
14 admission to any of the allegations contained in the
15 original petition, that admission shall be entered if the
16 court orders that the original petition and proceeding be
17 reinstated. If the admission is entered, the court may
18 proceed to disposition pursuant to W.S. 14-3-426.

19
20 ~~(e)(g) If the parties to the consent decree complete~~
21 ~~the period of supervision~~ Parties discharged by the court
22 under a consent decree without reinstatement of the
23 original petition ~~they~~ shall not thereafter be proceeded
24 against in any court for the same misconduct alleged in the

1 original petition except concurrent criminal allegations or
2 charges against a person accused to have abused or
3 neglected a child shall not be affected by a consent
4 decree.

5

6 **14-3-429. Decree where child adjudged neglected;**
7 **dispositions; terms and conditions; legal custody.**

8

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

11

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

18

19 (iii) When a child is adjudged by the court to
20 be neglected the court shall enter its decree to that
21 effect and make a disposition as provided in this section
22 that places the child in the least restrictive environment
23 consistent with what is best suited to the public interest
24 of preserving families, ~~and~~ and the physical, mental and moral

1 welfare of the child; ~~and in accord with the actual~~
2 ~~facilities presently available when the decree is entered;~~

3

4 (b) If the child is found to be neglected the court
5 may:

6

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

11

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

18

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

21

22 (ii) The court ~~on its own motion, or on the~~
23 ~~motion of the person, agency or institution vested with~~
24 ~~custody or to whom compensation is due,~~ shall order the

1 parents or other legally obligated person to pay a
2 reasonable sum for the support and treatment of the child
3 as required by W.S. 14-3-435, or shall state on the record
4 the reasons why an order for support was not entered;

5
6 (iii) In cases where the child is placed in
7 custody of the department, support shall be established by
8 the department through a separate civil action.

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

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

1

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

5

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

8

9 (a) As used in this act:

10

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

16

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

1 ~~rights and duties of the guardian of the person of the~~
2 ~~minor, and to residual parental rights and duties~~ as
3 defined in W.S. 14-3-402(a)(x);
4

5 (c) This act shall be construed to effectuate the
6 following public purposes:
7

8 (i) To provide for the best interests of the
9 child and the protection of the public and public safety;
10

11 (ii) Consistent with the best interests of the
12 child and the protection of the public and public safety:
13

14 (A) To promote the concept of punishment
15 for criminal acts while recognizing and distinguishing the
16 behavior of children who have been victimized or have
17 disabilities, such as serious mental illness that requires
18 treatment or children with a cognitive impairment that
19 requires services;
20

21 (C) To provide treatment, training and
22 rehabilitation that emphasizes the accountability and
23 responsibility of both the parent and the child for the

1 child's conduct, reduces recidivism and helps children to
2 become functioning and contributing adults.

3

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

9

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

14

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

23

1 (vi) To provide a simple judicial procedure
2 through which the provisions of this act are executed and
3 enforced and in which the parties are assured a fair and
4 timely hearing and their constitutional and other legal
5 rights recognized and enforced.

6
7 **14-6-203. Jurisdiction; confidentiality of records.**

8
9 (f) The following cases, excluding status offenses,
10 may be originally commenced either in the juvenile court or
11 in the district court or inferior court having
12 jurisdiction:

13
14 (i) Violations of municipal ordinances, except
15 that no juvenile sentenced in a municipal court shall
16 receive a sentence exceeding ten (10) days of jail or
17 detention unless, upon hearing, the juvenile court has
18 waived jurisdiction in accordance with W.S. 14-6-237(b);

19
20 (ii) All misdemeanors except:

21
22 (A) Those cases within the exclusive
23 jurisdiction of the juvenile court; and

24

1 (B) No juvenile sentenced in a municipal or
2 circuit court shall receive a sentence exceeding ten (10)
3 days of jail or detention unless, upon hearing, the
4 juvenile court has waived jurisdiction in accordance with
5 W.S. 14-6-237(b).

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

16
17 (vi) The disclosure is authorized by W.S.
18 7-19-504 ~~or 14-6-240(g).~~

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

23

1 (a) When a child is placed in detention or shelter
2 care without a court order, a petition as provided in W.S.
3 14-6-212 shall be promptly filed and presented to the
4 court. An informal detention or shelter care hearing shall
5 be held as soon as reasonably possible not later than
6 ~~seventy-two (72)~~ forty-eight (48) hours, excluding weekends
7 and legal holidays, after the child is taken into custody
8 to determine if further detention or shelter care is
9 required pending further court action. Written notice
10 stating the time, place and purpose of the hearing shall be
11 given to the child and to his parents, guardian or
12 custodian.

13

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

17

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

23

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

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

1 on the record and order the child placed in the legal
2 custody of the department. If the court finds that
3 full-time detention or shelter care is not required, the
4 court shall order the child released and may impose one (1)
5 or more of the following conditions:

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

13
14 **14-6-210. Hearing conducted by commissioner;**
15 **authority and duty; review by court.**

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

1 who has been advised of his rights wishes to admit the
2 allegations, the commissioner may take testimony to
3 establish a factual basis and accept the admission and
4 perform all other requirements of the initial hearing but
5 shall not proceed to disposition. The hearing shall be
6 conducted in the presence of counsel and guardian ad litem,
7 if so appointed. The commissioner may also appoint counsel,
8 appoint a guardian ad litem, order a predisposition report,
9 appoint a multidisciplinary team, issue subpoenas or search
10 warrants, order physical or medical examinations and
11 authorize emergency medical, surgical or dental treatment
12 all as provided in ~~W.S. 14-6-217 through 14-6-220~~ this act.
13 The commissioner shall not make final orders of
14 adjudication or disposition.

15

16 **14-6-214. Service of process; order of custody or**
17 **detention.**

18

19 (e) When personal service of order to appear is made
20 within the state, service ~~must~~ shall be completed not less
21 than two (2) days before the hearing and when made outside
22 the state, service ~~must~~ shall be completed not less than
23 five (5) days before the hearing. However, notwithstanding
24 any provision within this act, the court may order that a

1 child be taken into custody as provided in W.S. 14-6-213 or
2 that a child be held in detention or shelter care pending
3 further proceedings as provided in W.S. 14-6-209, even
4 though service of order to appear on the parents, guardian
5 or custodian of the child is not complete at the time of
6 making the order.

7

8 **14-6-218. Search warrant; when authorized; affidavit**
9 **required; contents of affidavit and warrant; service and**
10 **return.**

11

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

21

22 (b) The affidavit ~~must~~ shall be in writing, signed
23 and affirmed by the affiant. The affidavit ~~must~~ shall set
24 forth:

1

2 **14-6-226. Initial appearance; adjudicatory or**
3 **transfer hearing; entry of decree and disposition;**
4 **evidentiary matters; continuance of disposition hearing.**

5

6 (b) If the allegations of the petition are denied,
7 the court may, with consent of the parties, proceed
8 immediately to hear evidence on the petition or it may set
9 a later time not to exceed sixty (60) days for an
10 adjudicatory or a transfer hearing, unless the court finds
11 good cause to delay or postpone the hearing. In no case
12 shall the court hold the adjudicatory hearing more than
13 ninety (90) days after the date the petition is filed. Only
14 competent, relevant and material evidence shall be
15 admissible at an adjudicatory hearing to determine the
16 truth of the allegations in the petition. If after an
17 adjudicatory hearing the court finds that the allegations
18 in the petition are not established as required by this
19 act, it shall dismiss the petition and order the child
20 released from any detention or shelter care.

21

22 (c) If after an adjudicatory hearing or a valid
23 admission or confession the court or jury finds that a
24 child committed the acts alleging him delinquent, it shall

1 enter a decree to that effect stating the jurisdictional
2 facts upon which the decree is based. It may then proceed
3 immediately or at a postponed hearing within sixty (60)
4 days to make proper disposition of the child, unless the
5 court finds good cause to delay or postpone the hearing.

6

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

22

1 (b) The consent decree shall be in writing and copies
2 given to each of the parties. The decree shall include the
3 case plan for the child.

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

9
10 (d) If prior to discharge by the court or expiration
11 of the consent decree, a child alleged to be delinquent
12 fails to fulfill the terms and conditions of the decree or
13 a new petition is filed alleging the child delinquent
14 because of misconduct occurring during the term of the
15 consent decree, the original petition and proceedings may
16 be reinstated ~~at the district attorney's discretion and the~~
17 ~~child held accountable~~ upon order of the court after
18 hearing and the matter may proceed as though the consent
19 decree had never been entered. If, as part of the consent
20 decree, the child made an admission to any of the
21 allegations contained in the original petition, that
22 admission shall be entered if the court orders that the
23 original petition and proceeding be reinstated, If the

1 admission is entered, the court may proceed to disposition
2 pursuant to W.S. 14-6-226.

3

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

7

8 ~~(e)~~(f) A child discharged by the court under a
9 consent decree without reinstatement of the original
10 petition and proceeding shall not thereafter be proceeded
11 against in any court for the same offense or misconduct
12 alleged in the original petition.

13

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

16

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

19

20 (i) The court shall ~~place on the record~~ review
21 the predisposition report, ~~and~~ the recommendations, if any,
22 of the multidisciplinary team, the case plan and other
23 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 delinquent, the court shall enter its decree to that
6 effect and make a disposition consistent with the purposes
7 of this act; ~~and in accord with the actual facilities~~
8 ~~presently available when the decree is entered;~~

9

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

12

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

15

16 (B) Not less than once every ~~twelve (12)~~
17 six (6) months, the court of jurisdiction shall conduct a
18 formal review to assess and determine the appropriateness
19 of the current placement, the reasonable efforts made to
20 reunify the family, the safety of the child and the
21 permanency plan for the child. ~~Placements at the Wyoming~~
22 ~~boys' school, the Wyoming girls' school and the Wyoming~~
23 ~~state hospital are exempt from the review required by this~~
24 ~~subparagraph.~~

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

(iv) In cases where the child is placed in custody of the department, support shall be established by the department through a separate civil action.

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

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

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

1

2 **14-6-236. Ordering payment for support and treatment**
3 **of child; how paid; enforcement.**

4

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

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

17

18 **14-6-239. Records and reports confidential;**
19 **inspection.**

20

21 (d) Nothing in subsection (a) of this section shall
22 limit the disclosure of records authorized by W.S.
23 7-19-504 ~~or 14-6-240(g).~~

24

1 **14-6-301. Definitions.**

2

3 (a) As used in W.S. 14-6-301 through ~~14-6-308~~
4 14-6-314:

5

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

10

11 **14-6-302. General powers.**

12

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

17

18 (i) The conduct of predisposition reports,
19 social summaries, multidisciplinary team reviews, case plan
20 development, hearings and interviews;

21

22 **14-6-305. Home leave; violation hearing procedures.**

23

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

3

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

8

9 **14-6-409. Taking of child into custody; informal**
10 **hearing where no court order; conditional release;**
11 **evidence; rehearing.**

12

13 (a) When a child is placed in detention or shelter
14 care without a court order, a petition as provided in W.S.
15 14-6-412 shall be promptly filed and presented to the
16 court. An informal detention or shelter care hearing shall
17 be held as soon as reasonably possible not later than
18 ~~seventy-two (72)~~ forty-eight (48) hours, excluding weekends
19 and legal holidays, after the child is taken into custody
20 to determine if further detention or shelter care is
21 required pending further court action. Written notice
22 stating the time, place and purpose of the hearing shall be
23 given to the child and to his parents, guardian or
24 custodian.

1

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

5

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

11

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

14

15 (c) The child shall be given an opportunity to admit
16 or deny the allegations in the petition. If the allegations
17 are admitted, the court shall make the appropriate
18 adjudication and may proceed immediately to a disposition
19 of the case, provided the court had the predisposition
20 report and multidisciplinary recommendations, in accordance
21 with the provisions of W.S. 14-6-429, except that a
22 commissioner acting in the absence or incapacity of the
23 judge may take testimony to establish a factual basis and
24 accept an admission and perform all other requirements of

1 the initial hearing but shall not proceed to disposition.
2 If denied, the court shall set a time not to exceed ~~forty-~~
3 ~~five~~ (45) sixty (60) days for an adjudicatory hearing,
4 unless the court finds good cause to delay or postpone the
5 hearing. In no case shall the court hold the adjudicatory
6 hearing more than ninety (90) days after the date the
7 petition is filed.

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

20
21 (i) Place the child in the custody and
22 supervision of his parents, guardian or custodian, under
23 the protective supervision of the department of family
24 services or under the supervision of any individual or

1 organization approved by the court that agrees to supervise
2 the child;

3

4 **14-6-410. Hearing conducted by commissioner;**
5 **authority and duty; review by court.**

6

7 (b) The commissioner may make any order concerning
8 the child's release, continued detention or shelter care as
9 authorized to the judge under W.S. 14-6-409. If the child
10 is not released after the hearing, the commissioner shall
11 promptly file with the court a complete written resume of
12 the evidence adduced at the hearing and his reasons for not
13 releasing the child. The commissioner shall conduct the
14 hearing pursuant to W.S. 14-6-409 except that, if a child
15 who has been advised of his rights wishes to admit the
16 allegations, the commissioner may take testimony to
17 establish a factual basis and accept the admission and
18 perform all other requirements of the initial hearing but
19 shall not proceed to disposition. The hearing shall be
20 conducted in the presence of counsel and guardian ad litem,
21 if so appointed. The commissioner may also appoint
22 counsel, appoint a guardian ad litem, order a
23 predisposition report, appoint a multidisciplinary team,
24 issue subpoenas or search warrants, order physical or

1 medical examinations and authorize emergency medical,
2 surgical or dental treatment all as provided in W.S.
3 ~~14-6-417 through 14-6-420~~ this act. The commissioner shall
4 not make final orders of adjudication or disposition.

5

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

8

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

11

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

16

17 **14-6-414. Service of process; order of custody.**

18

19 (e) When personal service of order to appear is made
20 within the state, service ~~must~~ shall be completed not less
21 than two (2) days before the hearing and when made outside
22 the state, service ~~must~~ shall be completed not less than
23 five (5) days before the hearing. However, notwithstanding
24 any provision within this act, the court may order that a

1 child be taken into custody as provided in W.S. 14-6-413 or
2 that a child be held in detention or shelter care pending
3 further proceedings as provided in W.S. 14-6-409, even
4 though service of order to appear on the parents, guardian
5 or custodian of the child is not complete at the time of
6 making the order.

7

8 **14-6-426. Initial appearance; adjudicatory hearing;**
9 **entry of decree and disposition; evidentiary matters;**
10 **continuance of disposition hearing.**

11

12 (b) If the allegations of the petition are denied,
13 the court may, with consent of the parties, proceed
14 immediately to hear evidence on the petition or it may set
15 a later time not to exceed sixty (60) days for an
16 adjudicatory hearing, unless the court finds good cause to
17 delay or postpone the hearing. In no case shall the court
18 hold the adjudicatory hearing more than ninety (90) days
19 after the date the petition is filed. Only competent,
20 relevant and material evidence shall be admissible at an
21 adjudicatory hearing to determine the truth of the
22 allegations in the petition. If after an adjudicatory
23 hearing the court finds that the allegations in the
24 petition are not established as required by this act, it

1 shall dismiss the petition and order the child released
2 from any detention or shelter care.

3

4 (c) If after an adjudicatory hearing or a valid
5 admission or confession the court or jury finds that a
6 child is in need of supervision, it shall enter a decree to
7 that effect stating the jurisdictional facts upon which the
8 decree is based. It may then proceed immediately or at a
9 postponed hearing within sixty (60) days to make proper
10 disposition of the child, unless the court finds good cause
11 to delay or postpone the hearing.

12

13 **14-6-428. 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 to be in need of supervision and before
19 adjudication, the court may issue a consent decree ordering
20 further proceedings held in abeyance and place a child in
21 need of supervision under the supervision of the department
22 of family services or any other qualified person the court
23 may designate. The placement of the child is subject to the
24 terms, 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 of
3 family services, the child's legal representative, where
4 applicable, and the child and the notification of the
5 parents.

6
7 (b) The consent decree agreement shall be in writing
8 and copies given to each of the parties. It shall include
9 the case plan for the child or his family.

10
11 ~~(b)~~ (c) A consent decree shall be in force for the
12 period agreed upon by the parties but not longer than one
13 (1) year unless sooner terminated by the court. If prior to
14 discharge by the court or expiration of the consent decree,
15 a child alleged to be in need of supervision fails to
16 fulfill the terms and conditions of the decree or a new
17 petition is filed alleging the child to be in need of
18 supervision because of misconduct occurring during the term
19 of the consent decree, the original petition and
20 proceedings may be reinstated ~~at the district attorney's~~
21 ~~discretion~~ upon order of the court after hearing and the
22 ~~child held accountable~~ matter may proceed as though the
23 consent decree had never been entered. If, as part of the
24 consent decree, the child made an admission to any of the

1 allegations contained in the original petition, that
2 admission shall be entered if the court orders that the
3 original petition and proceeding be reinstated. If the
4 admission is entered, the court may proceed to disposition
5 pursuant to W.S. 14-6-426.

6
7 (d) If a consent decree is in effect and the child is
8 in placement, the court shall hold a six (6) month review
9 and twelve (12) month review as provided under W.S.
10 14-6-429.

11
12 ~~(e)~~ (e) If the child completes the period of
13 ~~supervision~~ A child discharged by the court under a consent
14 decree without reinstatement of the original petition ~~he~~
15 and proceeding shall not thereafter be proceeded against in
16 any court for the same misconduct alleged in the original
17 petition.

18
19 **14-6-429. Decree where child adjudged in need of**
20 **supervision; dispositions; terms and conditions; legal**
21 **custody.**

22
23 (a) In determining the disposition to be made under
24 this act in regard to any child:

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

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

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

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

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

9
10 (ii) The court ~~on its own motion, or on the~~
11 ~~motion of the person, agency or institution vested with~~
12 ~~custody or to whom compensation is due,~~ shall order the
13 parents or other legally obligated person to pay a
14 reasonable sum for the support and treatment of the child
15 as required by W.S. 14-6-435, or shall state on the record
16 the reasons why an order for support was not entered; ~~:-~~

17
18 (iii) In cases where the child is placed in
19 custody of the department, support shall be established by
20 the department through a separate civil action.

21
22 **Section 3.** W.S. 14-6-224(d), 14-6-240(g) and
23 14-6-424(d) are repealed.

24

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

2

3

(END)