

HOUSE BILL NO. HB0237

Child protection.

Sponsored by: Representative(s) Robinson, Landon and White and Senator(s) Decaria, Massie and Sessions

A BILL

for

1 AN ACT relating to children; modifying the review hearing  
2 dates; modifying requirements for permanency hearings; and  
3 providing for an effective date.

4

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

6

7 **Section 1.** W.S. 14-3-431(c)(intro), by creating new  
8 subsections (d) through (k), by renumbering (d) as (m), by  
9 amending and renumbering (e) as (n), by creating a new  
10 subsection (o) and by renumbering (f) and (g) as (p) and  
11 (q) and 14-3-440(g) are amended to read:

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13 **14-3-431. Duration of orders of disposition;**  
14 **termination of orders; permanency hearings; petition for**  
15 **termination of parental rights.**

16

1 (c) The court shall conduct a review hearing six (6)  
2 months from the date of the child's removal from the home,  
3 ~~twelve (12) months from the date of the child's removal~~  
4 ~~from the home, and not less than once every twelve (12) and~~  
5 every six (6) months thereafter. At ~~each of these~~ the six  
6 (6) month review ~~hearings~~ hearing the court shall review  
7 the case plan to determine:

8  
9 (d) The court shall conduct a permanency hearing no  
10 later than twelve (12) months from the date of the child's  
11 removal from the home and not less than once every twelve  
12 (12) months thereafter if the child remains in out-of-home  
13 placement or more frequently as deemed necessary by the  
14 court.

15  
16 (e) If the court determines as provided in W.S.  
17 14-2-309(a)(vi), (b) or (c) that reasonable efforts to  
18 preserve and reunify the family are not required, a  
19 permanency hearing shall be held for the child within  
20 thirty (30) days after the determination.

21  
22 (f) At the permanency hearing, the court shall make  
23 determinations of reasonable efforts as outlined in W.S.  
24 14-3-440.

1

2 (g) A permanency hearing is not required if the case  
3 was dismissed, the child was not removed from the home or  
4 the child was returned to the child's parent or guardian.

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6 (h) The permanency hearing may be combined with a  
7 hearing required by other sections of this chapter if the  
8 hearing is held within twelve (12) months from the date of  
9 the child's removal from the home. If a permanency hearing  
10 is combined with another hearing, the requirements of the  
11 court related to the disposition of the other hearing shall  
12 be met in addition to the requirements of this section.

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14 (j) At the permanency hearing, the department of  
15 family services shall present to the court the efforts made  
16 to effectuate the permanency plan for the child, address  
17 the options for the child's permanent placement, examine  
18 the reasons for excluding other permanency options and set  
19 forth the proposed plan to carry out the placement  
20 decision, including specific times for achieving the  
21 permanency plan. The department of family services shall  
22 provide the court a compelling reason for establishing a  
23 permanency plan other than reunification, adoption or legal  
24 guardianship.

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2       (k) At the permanency hearing, the court shall  
3 determine whether the permanency plan is in the best  
4 interest of the child and whether the department of family  
5 services has made reasonable efforts to finalize the plan.  
6 The court shall order the department of family services to  
7 take any additional steps necessary to effectuate the terms  
8 of the permanency plan.

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10       ~~(d)~~(m) When a child has been placed in foster care  
11 under the responsibility of the state for fifteen (15) of  
12 the most recent twenty-two (22) months the state shall file  
13 a petition to terminate parental rights or seek to be  
14 joined as a party to the petition if a petition has been  
15 filed by another party, unless:

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17           (i) The child is in the care of a relative;

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19           (ii) The state agency has documented in the case  
20 plan a compelling reason for determining that filing the  
21 petition is not in the best interest of the child; or

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23           (iii) The state agency has not provided services  
24 to the child's family deemed to be necessary for the safe

1 return of the child to the home, if reasonable efforts  
2 described in W.S. 14-3-440 are required to be made.

3

4 ~~(e)~~(n) Concurrently with the filing of a petition  
5 under subsection ~~(d)~~(m) of this section, the state agency  
6 shall identify, recruit, process and approve a qualified  
7 family for adoption of the child.

8

9 (o) A petition to terminate parental rights shall be  
10 filed within sixty (60) days of a judicial determination  
11 that reasonable efforts to reunify the child and parent are  
12 not required pursuant to W.S. 14-2-309(a)(vi), (b) or (c).

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14 ~~(f)~~(p) A termination of parental rights hearing shall  
15 be held within ninety (90) days of the filing of the  
16 termination petition unless continued by the court for good  
17 cause shown.

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19 ~~(g)~~(q) At each of the review hearings, the court  
20 shall enter findings on the record pursuant to subsection  
21 (c) of this section.

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23 **14-3-440. Reasonable efforts for family**  
24 **reunification; exceptions.**

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2 (g) ~~If the court determines as provided in W.S.~~  
3 ~~14-2-309(a)(vi), (b) or (c) that reasonable efforts to~~  
4 ~~preserve and reunify the family are not required;~~

5

6 ~~(i) A permanency hearing as described in W.S.~~  
7 ~~14-3-431(c) shall be held for the child within thirty (30)~~  
8 ~~days after the determination; and~~

9

10 ~~(ii)~~ Reasonable efforts shall be made to place  
11 the child in a timely manner in accordance with the  
12 permanency plan, and to complete whatever steps are  
13 necessary to finalize the permanent placement of the child.

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15 **Section 2.** W.S. 14-3-440(h) is repealed.

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17 **Section 3.** This act is effective July 1, 2005.

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19

(END)