

SENATE FILE NO. SF0103

Child abuse and neglect amendments.

Sponsored by: Senator(s) Ross, Decaria and Perkins and
Representative(s) Gingery and Lubnau

A BILL

for

1 AN ACT relating to child protection; authorizing transfer
2 of jurisdiction from district court to juvenile court in
3 specified actions; authorizing permanency hearings if a
4 court determines that efforts to reunify the family are
5 unnecessary; authorizing constructive service of process or
6 service by publication under specified conditions;
7 providing that a refusal or failure to comply with a case
8 plan may constitute neglect; specifying contents of
9 petitions; limiting objections to services provided under a
10 case plan if the parent refused to comply with or
11 participate in the case plan process; and providing for an
12 effective date.

13

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

15

1 **Section 1.** W.S. 1-22-104(a), 3-2-101 by creating a
2 new subsection (b), 14-3-202(a)(vii), 14-3-403(b) and by
3 creating a new subsection (c), 14-3-413 by creating new
4 subsections (d) through (f), 14-3-414 by creating a new
5 subsection (f), 14-3-427(k) and 14-3-440(g) are amended to
6 read:

7
8 **1-22-104. Petition for adoption of minor; by whom**
9 **filed; requisites; confidential nature; inspection;**
10 **separate journal to be kept.**

11
12 (a) Adoption proceedings shall be commenced by a
13 petition filed in district court. The district court may
14 transfer jurisdiction of a petition to adopt a child to the
15 juvenile court if the child proposed for adoption in the
16 petition is under the prior and continuing jurisdiction of
17 the juvenile court.

18
19 **3-2-101. Petition for appointment of guardian.**

20
21 (b) The district court may transfer jurisdiction of a
22 petition for appointment of a guardian to the juvenile
23 court if the proposed ward is a child who is under the
24 prior and continuing jurisdiction of the juvenile court.

1

2 **14-3-202. Definitions.**

3

4 (a) As used in W.S. 14-3-201 through 14-3-216:

5

6 (vii) "Neglect" means a failure or refusal by
7 those responsible for the child's welfare to provide
8 adequate care, maintenance, supervision, education or
9 medical, surgical or any other care necessary for the
10 child's well being, or a failure to comply with or refusal
11 to participate in a case plan developed by the department.

12 Treatment given in good faith by spiritual means alone,
13 through prayer, by a duly accredited practitioner in
14 accordance with the tenets and practices of a recognized
15 church or religious denomination is not child neglect for
16 that reason alone;

17

18 **14-3-403. Juvenile court authority over certain**
19 **issues.**

20

21 (b) Nothing contained in this act is construed to
22 deprive the district court of jurisdiction to determine
23 questions of custody, parental rights, guardianship or any
24 other questions involving minors, when the questions are

1 the subject of or incidental to suits or actions commenced
2 in or transferred to the district court as provided by
3 law, ~~or~~ except:

4
5 (i) If a petition involving the same child is
6 pending in juvenile court or if continuing jurisdiction has
7 been previously acquired by the juvenile court, the
8 district court may certify the question of custody to the
9 juvenile court; and

10
11 (ii) The district court at any time may request
12 the juvenile court to make recommendations pertaining to
13 guardianship or legal custody.

14
15 (c) A party to the proceeding may file a petition for
16 adoption or an appointment of guardianship in the
17 underlying juvenile action in lieu of filing a petition
18 with the district court.

19
20 **14-3-413. Order to appear; contents thereof; when**
21 **child taken into immediate custody; waiver of service.**

22
23 (d) With respect to a child who is alleged to have
24 been abused or neglected, a noncustodial parent or putative

1 father who has not had custody of the child removed by a
2 court, and who is not alleged to have abused or neglected
3 the child, shall be served with notice of the child
4 protective proceeding pursuant to W.S. 14-3-414 and
5 14-3-415. The notice shall inform the noncustodial parent
6 or putative father of the following:

7
8 (i) A petition has been filed;

9
10 (ii) The noncustodial parent or putative father
11 has been named as such in the petition;

12
13 (iii) A response from the noncustodial parent or
14 putative father is required within sixty (60) days of the
15 date of service; and

16
17 (iv) Failure to respond to the notice, appear at
18 hearings or participate in the case may result in the
19 termination of his parental rights;

20
21 (v) The noncustodial parent or putative father
22 may be considered for possible placement of the child.

23

1 (e) A noncustodial parent or putative father served
2 with notice of the child protective proceeding shall:

3
4 (i) Respond and appear as required by this
5 section and W.S. 14-3-414 and 14-3-415;

6
7 (ii) Admit or deny that he is the noncustodial
8 parent or putative father of the child;

9
10 (iii) Submit to the jurisdiction of the court;

11
12 (iv) Cooperate with the department of family
13 services;

14
15 (v) Provide information as required by the court,
16 multi-disciplinary team or the department of family
17 services; and

18
19 (vi) Pay all child support which may be ordered
20 by the court.

21
22 (f) A parent or putative father who is served pursuant
23 to W.S. 14-3-414 and 14-3-415 and fails to respond as
24 required by this section may not thereafter assert parental

1 rights in contravention of any permanency plan for the
2 child required by W.S. 14-3-431(j) and (k).

3
4 **14-3-414. Service of process; order of custody.**

5
6 (f) If the person is a nonresident or his residence
7 is unknown, service may be had by constructive service or
8 by publication as provided in the Wyoming Rules of Civil
9 Procedure.

10
11 **14-3-427. Predisposition studies and reports.**

12
13 (k) The department shall develop a case plan for a
14 child when there is a recommendation to place the child
15 outside the home. If a parent chooses not to comply with
16 or participate in the case plan developed by the
17 department, that parent is prohibited from later objecting
18 to or complaining about the services that were provided to
19 the child and family.

20
21 **14-3-440. Reasonable efforts for family**
22 **reunification; exceptions.**

23

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

4
5 (i) A permanency hearing as provided in W.S.
6 14-3-431(e) shall be held for the child within thirty (30)
7 days after the determination; and

8
9 (ii) Reasonable efforts shall be made to place
10 the child in a timely manner in accordance with the
11 permanency plan, and to complete whatever steps are
12 necessary to finalize the permanent placement of the child.

13

14 **Section 2.** This act is effective July 1, 2009.

15

16

(END)