

HOUSE BILL NO. HB0157

Termination of parental rights-standing.

Sponsored by: Representative(s) Jennings, Barlow, Clem,
Edwards, Hallinan, Laursen and Miller and
Senator(s) Hutchings and Kinskey

A BILL

for

1 AN ACT relating to children and parents; creating standing
2 for biological grandparents acting in loco parentis to
3 petition for the termination of parental rights; requiring
4 specified findings; amending petition requirements; creating
5 factors for a court to consider when terminating parental
6 rights on a petition by a biological grandparent; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 14-2-320 is created to read:

12

13 **14-2-320. Biological grandparent; findings.**

14

1 (a) On a petition for termination of the parent-child
2 relationship filed by a biological grandparent before the
3 court terminates the parent-child relationship the court
4 shall find as demonstrated by clear and convincing evidence
5 of all of the following:

6

7 (i) The continuous failure of the parents to
8 contribute to the care and support of the child is without
9 good cause;

10

11 (ii) The parents are unfit. In making this
12 finding, the court:

13

14 (A) May consider whether the parent has
15 engaged in conduct for a period of at least one (1) year
16 immediately preceding the filing of the petition which
17 evidences a settled purpose to relinquish parental rights to
18 the child;

19

20 (B) May consider whether the parent has
21 refused or failed to perform parental duties for a period of
22 at least one (1) year as demonstrated by a lack of financial
23 contribution for the child and a lack of contact with the

1 child. For purposes of this subparagraph the court may
2 disregard occasional contributions and incidental contacts
3 and communication;

4

5 (C) May consider whether the parent's
6 continued incapacity, abuse, neglect or refusal to provide
7 care has caused the child to be without essential parental
8 care, control or subsistence necessary for his physical or
9 mental well-being and the conditions and causes of the
10 parent's incapacity, abuse, neglect or refusal cannot or will
11 not be remedied by the parent;

12

13 (D) May give primary consideration to the
14 developmental, physical and emotional needs and welfare of
15 the child. The rights of a parent shall not be terminated
16 solely on the basis of environmental factors such as
17 inadequate housing, furnishings, income, clothing and medical
18 care if the factors are found to be beyond the control of the
19 parent;

20

21 (E) Shall not consider educational choices
22 that are permitted by law.

23

1 (iii) The termination of the parent-child
2 relationship is in the best interests of the child as
3 demonstrated by clear and convincing evidence that the
4 parents have disregarded their parental duties and are unfit
5 according to this section;

6

7 (iv) The parents consented to and fostered the
8 biological grandparent's relationship with the child through
9 abandonment or other means;

10

11 (v) The biological grandparent and the child lived
12 together in the same household without either parent present
13 for a period of at least one (1) year prior to the biological
14 grandparent filing the petition;

15

16 (vi) The biological grandparent assumed the
17 obligations of parenthood by taking significant
18 responsibility for the child's care, education and
19 development, including contributing solely toward the child's
20 support, without expectation of financial compensation;

21

22 (vii) The biological grandparent has been in a
23 parental role for a period of at least one (1) year prior to

1 filing the petition and the biological grandparent and child
2 during that time have bonded to form a dependent relationship,
3 parental in nature;

4

5 (viii) The biological grandparent has assumed and
6 is willing to assume responsibility for the child;

7

8 (ix) The biological grandparent has a sustained,
9 substantial and sincere interest in the welfare and best
10 interests of the child;

11

12 (x) For a period of at least one (1) year prior to
13 the biological grandparent filing the petition, neither
14 parent has demonstrated any form of care or control of the
15 child and have refused to comply with or have ignored the
16 duties imposed by the parent-child relationship as
17 demonstrated by a lack of financial contribution for the child
18 and a lack of contact with the child. For purposes of this
19 paragraph, the court may disregard occasional contributions
20 or incidental contacts and communications.

21

22 **Section 2.** W.S. 1-22-203(b), 14-2-308(a)(ix), 14-2-310
23 by creating a new subsection (b), 14-2-311(a)(iv) and by

1 creating a new paragraph (vi) and 14-2-315 are amended to
2 read:

3

4 **1-22-203. Confidential intermediaries; confidential**
5 **intermediary services.**

6

7 (b) Any adult adoptee, adoptive parent, biological
8 parent, biological sibling or biological grandparent who is
9 eighteen (18) years of age or older may file a motion, with
10 supporting affidavit, in the court where the adoption took
11 place or in the court in which parental rights were terminated
12 pursuant to W.S. 14-2-308 through ~~14-2-319~~ 14-2-320, to
13 appoint one (1) or more confidential intermediaries for the
14 purpose of determining the whereabouts of the unknown
15 biological relative or relatives, except that no one shall
16 seek to determine the whereabouts of a relative who is a
17 minor. The court may rule on the motion and affidavit without
18 hearing and may appoint a confidential intermediary. Costs
19 related to the proceeding and investigation shall be the
20 responsibility of the party filing the motion for appointment
21 and investigation.

22

23 **14-2-308. Definitions.**

1

2 (a) As used in this act:

3

4 (ix) "This act" means W.S. 14-2-308 through
5 ~~14-2-319~~ 14-2-320.

6

7 **14-2-310. Parties authorized to file petition.**

8

9 (b) The petition for the termination of the
10 parent-child relationship may be filed with the court by:

11

12 (i) A biological grandparent acting in loco
13 parentis to the child.

14

15 **14-2-311. Contents of petition.**

16

17 (a) The petition for the termination of the
18 parent-child legal relationship shall state:

19

20 (iv) The grounds for termination of the
21 parent-child legal relationship pursuant to W.S. 14-2-309 or
22 14-2-320 if applicable;

23

1 (vi) In addition to the other requirements of this
2 section a petition filed by a biological grandparent shall
3 state:

4
5 (A) That the biological grandparent intends
6 to adopt the child;

7
8 (B) The circumstances by which the biological
9 grandparent was given or retained custody or physical care of
10 the child;

11
12 (C) That for a period of at least one (1)
13 year prior to filing the petition:

14
15 (I) The biological grandparent cared
16 substantially and continuously for the child;

17
18 (II) The parent of the child have
19 continuously refused to comply with or have ignored the duties
20 imposed by the parent-child relationship as demonstrated by
21 a lack of financial contribution for the child and a lack of
22 contact with the child for a period of one (1) year or more
23 prior to the filing of a petition under this section. In

1 making the above determination, the court may disregard
2 occasional contributions or incidental contacts and
3 communications.

4

5 **14-2-315. Order terminating the parent-child legal**
6 **relationship; contents.**

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8 The order terminating the parent-child legal relationship
9 shall be in writing and shall contain the findings of the
10 court, including the findings required by W.S. 14-2-320 if
11 applicable. If the court terminates the parent-child legal
12 relationship of either one (1) or both parents, it shall fix
13 the responsibility for the child's support and appoint a
14 guardian of the child's person or estate or both.

15

16 **Section 3.** This act is effective July 1, 2019.

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18

(END)