

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Statutory gender references.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to statutory gender designations; amending
2 archaic language; codifying rights of parties legally
3 authorized to marry in Wyoming; providing definitions; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 1-6-108, 1-12-104, 1-20-107,
9 1-22-104(b), 2-3-135, 2-4-106, 2-6-118, 2-7-501(a),
10 2-7-502, 4-10-402(c)(intro), (i) and (d), 8-1-102(a) by
11 creating a new paragraph (xvii), 14-1-201(a)(iii),
12 14-2-308(a)(vii), 14-2-402(a)(viii)(A) and (xiii),

1 14-2-403(d), 14-2-501(a) (intro), (ii), (iii), by creating a
2 new paragraph (iv), (b) (intro), (v) and by creating a new
3 subsection (c), 14-2-504(b) and by creating a new
4 subsection (c), 14-2-602(a) (iii) (B), (b) (ii) and (iii),
5 14-2-802(a) (ii), 14-2-803(a) (i), 14-2-808(b) (vii),
6 14-2-809(b), 14-2-816(a) (vi), 14-2-818, 14-2-822(a),
7 14-2-823(c) (i), (ii), (f) (iii), (g) (intro), (ii), (iv),
8 (vi), (vii), (ix), (j) (iii) and (v) and (m), 14-2-903,
9 14-2-904, 14-2-905(a) and (b), 14-3-210(a) (i),
10 14-3-402(a) (xiii), 14-6-201(a) (xvii), 14-6-402(a) (xiv),
11 15-5-206, 15-5-309(b), 15-5-312, 18-5-303(a) (x), 20-1-101,
12 20-1-102(c), 20-1-106(b), 20-1-201, 20-2-101(d) and (e),
13 20-2-102, 20-2-201(a) (intro), 20-3-103, 20-3-104,
14 20-4-166(j), 20-4-170(b) (vii), 20-5-410(d), 34-1-109,
15 34-1-110, 34-1-129, 34-1-142(c) (v), 34-2-121,
16 35-1-410(c) (iii), 35-1-411(a) (intro), (ii) and (c),
17 35-1-422(a), 37-9-504 and 40-14-349 are amended to read:

18

19 **1-6-108. Lis pendens; notice of pendency of action**
20 **affecting real property or action between spouses.**

21

22 In an action in a state court or in a United States
23 district court affecting the title or right of possession

1 of real property, or in an action between ~~husband and wife~~
2 spouses, the plaintiff at the time of filing the complaint
3 and the defendant at the time of filing ~~his~~a pleading when
4 affirmative relief is claimed or at any time afterward, may
5 file in the office of the county clerk in which the
6 property is situate a notice of pendency of the action
7 containing the names of the parties, the object of the
8 action or defense and a description of the property in that
9 county affected thereby as provided by W.S. 1-6-107. From
10 the time of filing the notice a subsequent purchaser or
11 encumbrancer of the property shall have constructive notice
12 of the pendency of the action.

13

14 **1-12-104. Spouses as witnesses in civil and criminal**
15 **cases.**

16

17 No husband or wife shall be a witness against the other
18 spouse except in criminal proceedings for a crime committed
19 by one against the other, or in a civil action or
20 proceeding by one against the other. They may in all civil
21 and criminal cases be witnesses for each other the same as
22 though the marital relation did not exist.

23

1 **1-20-107. Exemptions when head of family dies.**

2

3 Whenever the head of a family dies, deserts, or ceases to
4 reside with the family, the family is entitled to all the
5 benefits and privileges conferred upon the head of a family
6 residing with the same, and the family, or any member
7 thereof, may select the property claimed as exempt. Where
8 the exempt property is the sole and separate property of
9 the ~~wife~~ remaining spouse, it is, to the same extent and
10 for all purposes, exempt for the debts of the ~~wife~~
11 remaining spouse.

12

13 **1-22-104. Petition for adoption of minor; by whom**
14 **filed; requisites; confidential nature; inspection;**
15 **separate journal to be kept.**

16

17 (b) A petition may be filed by any single adult or
18 jointly by a ~~husband and wife~~ married couple who maintain
19 their home together, or by ~~either the husband or wife~~ one
20 spouse if the other spouse is a parent of the child.

21

22 **2-3-135. Petition for revocation by prior claimant;**
23 **prior right of surviving spouse.**

1

2 When letters of administration have been granted to a
3 child, father, mother, brother or sister of the intestate,
4 the surviving spouse may assert his or her prior right and
5 obtain letters of administration and have the letters
6 before granted revoked.

7

8 **2-4-106. Divorce not to affect children's rights.**

9

10 Divorces of ~~husband and wife~~ parents do not affect the
11 right of children to inherit their parents' property.

12

13 **2-6-118. Revocation by divorce or annulment; effect;
14 revival; other changes excluded.**

15

16 If after executing a will the testator is divorced or ~~his~~
17 the marriage is annulled, the divorce or annulment revokes
18 any disposition or appointment of property made by the will
19 to the former spouse, any provision conferring a general or
20 special power of appointment on the former spouse, and any
21 nomination of the former spouse as executor, trustee,
22 conservator or guardian, unless the will expressly provides
23 otherwise. Property prevented from passing to a former

1 spouse because of revocation by divorce or annulment passes
2 as if the former spouse failed to survive the decedent, and
3 other provisions conferring some power or office on the
4 former spouse are interpreted as if the spouse failed to
5 survive the decedent. If provisions are revoked solely by
6 this section, they are revived by testator's remarriage to
7 the former spouse. For purposes of this section, divorce or
8 annulment means any divorce or annulment which would
9 exclude the spouse as a surviving spouse. A decree of
10 separation ~~which~~ that does not terminate ~~the status of~~
11 ~~husband and wife~~ a marriage is not a divorce for purposes
12 of this section. No change of circumstances other than as
13 described in this section revokes a will.

14

15 **2-7-501. Right to homestead and support; "homestead"**
16 **defined.**

17

18 (a) When a person dies leaving a spouse or minor
19 children, the spouse or minor children are entitled to
20 remain in possession of the homestead, all wearing apparel
21 of the family, and all household furniture of the decedent
22 until letters are granted and the inventory is returned.
23 The ~~widow~~ surviving spouse or minor children are also

1 entitled to a reasonable provision for their support, to be
2 allowed by the court.

3

4 **2-7-502. Extra allowance for maintenance of family.**

5

6 If the amount set apart is insufficient for the support of
7 the ~~widow~~surviving spouse and children, or either, the
8 court shall make such reasonable allowance out of the
9 estate as is necessary for the maintenance of the family
10 according to their circumstances during the settlement of
11 the estate.

12

13 **4-10-402. Title of trust property.**

14

15 (c) Any property ~~of a husband and wife that is held~~
16 ~~by them~~a married couple holds as tenants by the entireties
17 pursuant to W.S. 34-1-140 and conveyed to their joint
18 revocable or irrevocable trusts, or to their separate
19 revocable or irrevocable trusts, shall have the same
20 immunity from the claims of their separate creditors as it
21 would if it had remained held by the entireties, so long
22 as:

23

1 (i) They are both living and remain ~~as husband~~
2 ~~and wife~~ married to each other;

3
4 (d) After the death of the first of the ~~husband and~~
5 ~~wife to die~~ spouses, all property held in trust that was
6 immune from the claims of the decedent's separate creditors
7 under subsection (c) of this section immediately prior to
8 the decedent's death shall continue to have the same
9 immunity from the claims of the decedent's separate
10 creditors as would have existed if the ~~husband and wife~~
11 spouses had continued to hold the property conveyed in
12 trust, or its proceeds, as tenants by the entirety.

13
14 **8-1-102. Definitions.**

15
16 (a) As used in the statutes unless the legislature
17 clearly specifies a different meaning or interpretation or
18 the context clearly requires a different meaning:

19
20 (xvii) "Spouse" means a marriage partner, a
21 husband or a wife.

22
23 **14-1-201. Definitions.**

1

2 (a) As used in this article:

3

4 (iii) "Parent" means the legal guardian or
5 custodian of the minor, his natural parent, ~~or~~ if the
6 minor has been legally adopted, the adoptive parent, a
7 person adjudged the parent of the child in judicial
8 proceedings or a person established as the parent under
9 title 14, chapter 2, article 5;

10

11 **14-2-308. Definitions.**

12

13 (a) As used in this act:

14

15 (vii) "Parent" means a natural parent, ~~or~~ a
16 parent by adoption, a person adjudged the parent of the
17 child in judicial proceedings or a person established as
18 the parent under title 14, chapter 2, article 5;

19

20 **14-2-402. Definitions.**

21

22 (a) As used in this act:

23

1 (viii) "Donor" means an individual who produces
2 eggs or sperm used for assisted reproduction, whether or
3 not for consideration. The term does not include:

4
5 (A) A husband who provides sperm, or a wife
6 who provides eggs, to be used for assisted reproduction ~~by~~
7 ~~the wife~~ within the marriage;

8
9 (xiii) "Parent-child relationship" means the
10 legal relationship between a child and a parent of the
11 child. The term includes ~~the~~ a mother-child relationship
12 and ~~the~~ a father-child relationship;

13
14 **14-2-403. Scope of act; choice of law.**

15
16 (d) This act does not authorize or prohibit an
17 agreement between a ~~woman and a man~~ person or couple and
18 another woman in which the woman relinquishes all rights as
19 a parent of a child conceived by means of assisted
20 reproduction, and which provides that the ~~man and the other~~
21 ~~woman~~ person or couple become the parents of the child. If
22 a birth results under such an agreement and the agreement
23 is unenforceable under Wyoming law, the parent-child

1 relationship is determined as provided in article 4 of this
2 act.

3

4 **14-2-501. Establishment of parent-child relationship.**

5

6 (a) ~~The~~A mother-child relationship is established
7 between a woman and a child by:

8

9 (ii) An adjudication of the woman's maternity;

10 ~~or~~

11

12 (iii) Adoption of the child by the woman;~~;-~~ or

13

14 (iv) The woman's having consented in writing to
15 assisted reproduction by her spouse under article 9 of this
16 act, which resulted in the birth of the child.

17

18 (b) ~~The~~A father-child relationship is established
19 between a man and a child by:

20

21 (v) The man's having consented in writing to
22 assisted reproduction by his ~~wife~~spouse or a surrogate

1 under article 9 of this act which resulted in the birth of
2 the child.

3

4 (c) Unless otherwise established in this article or
5 through proceedings to adjudicate parentage, the parents
6 named on a child's birth certificate are established to be
7 the parents of a child.

8

9 **14-2-504. Presumption of parentage in context of**
10 **marriage.**

11

12 (b) A presumption of ~~paternity~~parentage established
13 under this section may be rebutted only by an adjudication
14 under article 8 of this act.

15

16 (c) A spouse is presumed to be the parent of a child
17 if the spouses are married to each other and the child is
18 born to the other spouse during the marriage.

19

20 **14-2-602. Execution of acknowledgment of paternity.**

21

22 (a) An acknowledgment of paternity shall:

23

1 (iii) State that the child whose paternity is
2 being acknowledged:

3
4 (B) Does not have another acknowledged or
5 adjudicated ~~father~~parent.

6
7 (b) An acknowledgment of paternity is void if it:

8
9 (ii) States that another ~~man~~person is an
10 acknowledged or adjudicated ~~father~~parent; or

11
12 (iii) Falsely denies the existence of a
13 presumed, acknowledged or adjudicated ~~father~~parent of the
14 child.

15
16 **14-2-802. Standing to maintain proceeding.**

17
18 (a) Subject to article 5 of this act and
19 W.S. 14-2-807 and 14-2-809, a proceeding to adjudicate
20 parentage may be maintained by:

21
22 (ii) ~~The~~A mother or father of the child;

23

1 **14-2-803. Parties to proceeding.**

2

3 (a) The following individuals shall be joined as
4 parties in a proceeding to adjudicate parentage:

5

6 (i) ~~The~~^A mother or father of the child; and

7

8 **14-2-808. Authority to deny motion for genetic**
9 **testing.**

10

11 (b) In determining whether to deny a motion seeking
12 an order for genetic testing under this section, the court
13 shall consider the best interest of the child, including
14 the following factors:

15

16 (vii) The nature of the relationship between the
17 child and any alleged father or other parent;

18

19 **14-2-809. Limitation; child having acknowledged or**
20 **adjudicated parent.**

21

22 (b) If a child has an acknowledged ~~father~~^{parent} or
23 an adjudicated ~~father~~^{parent}, an individual, other than the

1 child, who is neither a signatory to the acknowledgment of
2 paternity nor a party to the adjudication and who seeks an
3 adjudication of ~~paternity~~parentage of the child shall
4 commence a proceeding not later than two (2) years after
5 the effective date of the acknowledgment or adjudication.

6

7 **14-2-816. Temporary order.**

8

9 (a) In a proceeding under this article, the court
10 shall issue a temporary order for support of a child if the
11 order is appropriate and the individual ordered to pay
12 support is:

13

14 (vi) ~~The~~A mother of the child.

15

16 **14-2-818. Jury prohibited.**

17

18 The court, without a jury, shall adjudicate ~~paternity~~
19 parentage of a child.

20

21 **14-2-822. Order adjudicating parentage.**

22

1 (a) The court shall issue an order adjudicating
2 whether a ~~man~~person alleged or claiming to be ~~the father~~a
3 parent is ~~the~~a parent of the child.

4
5 **14-2-823. Binding effect of determination of**
6 **parentage.**

7
8 (c) In a proceeding to dissolve a marriage, the court
9 is deemed to have made an adjudication of the parentage of
10 a child if the court acts under circumstances that satisfy
11 the jurisdictional requirements of W.S. 20-4-142, and the
12 final order:

13
14 (i) Expressly identifies a child as a "child of
15 the marriage," "issue of the marriage," or similar words
16 indicating that the ~~husband is the father~~parties are the
17 parents of the child; or

18
19 (ii) Provides for support of the child by ~~the~~
20 ~~husband~~one parent to the other unless ~~paternity~~parentage
21 is specifically disclaimed in the order.

22

1 (f) A petition for disestablishment of paternity
2 shall be filed:

3

4 (iii) In the case of an adjudication issued by a
5 court of this state, the petition shall be filed only by
6 ~~the~~a mother of the child, the adjudicated ~~father~~parent of
7 the child, the child, if the child was a party to the
8 adjudication, or the legal representative of any of these
9 parties. A petition filed by an individual who is not a
10 party to the adjudication shall be filed pursuant to W.S.
11 14-2-809. The petition under this paragraph shall be filed
12 no later than two (2) years after the petitioner knew or
13 should have known that the paternity of the child was at
14 issue.

15

16 (g) The court shall appoint an attorney to represent
17 the best interests of a child if the court finds that the
18 best interests of the child is not adequately represented.
19 In cases concerning an adjudication of ~~paternity~~parentage
20 pursuant to subsection (c) of this section, the court shall
21 appoint an attorney to represent the best interests of the
22 child. In determining the best interests of the child, the
23 court shall consider the following factors:

1

2 (ii) The length of time during which the
3 adjudicated ~~father~~parent has assumed the role of the
4 ~~father~~parent of the child;

5

6 (iv) The nature of the relationship between the
7 child and the adjudicated ~~father~~parent;

8

9 (vi) The harm that may result to the child if
10 adjudicated ~~paternity~~parentage is successfully disproved;

11

12 (vii) The nature of the relationship between the
13 child and any alleged ~~father~~parent;

14

15 (ix) Other factors that may affect the equities
16 arising from the disruption of the ~~father~~child
17 parent-child relationship between the child and the
18 adjudicated ~~father~~parent or the chance of other harm to
19 the child.

20

21 (j) The court may grant relief on the petition filed
22 in accordance with this section upon a finding by the court
23 of all of the following:

1

2 (iii) The adjudicated ~~father~~parent has not
3 adopted the child;

4

5 (v) The adjudicated ~~father~~parent did not act to
6 prevent the biological father of the child from asserting
7 his paternal rights with respect to the child.

8

9 (m) If the court finds that the adjudication of
10 ~~paternity~~parentage should be vacated, in accordance with
11 all of the conditions prescribed, the court shall enter an
12 order which provides all of the following:

13

14 (i) That the disestablishment of ~~paternity~~the
15 adjudicated parentage is in the best interests of the child
16 pursuant to the factors in this section;

17

18 (ii) That the adjudicated ~~father~~parent is not
19 ~~the~~a biological ~~father~~parent of the child;

20

21 (iii) That the adjudicated ~~father's~~parent's
22 parental rights and responsibilities are terminated as of
23 the date of the filing of the order;

1

2 (iv) That the birth records agency shall amend
3 the child's birth certificate by removing the adjudicated
4 ~~father's~~ parent's name, if it appears thereon, and issue a
5 new birth certificate for the child;

6

7 (v) That the adjudicated ~~father~~ parent is
8 relieved of any and all future support obligations owed on
9 behalf of the child from the date that the order
10 determining that the established ~~father~~ parent is not ~~the a~~
11 biological ~~father~~ parent is filed;

12

13 (vi) That any unpaid support due ~~prior to~~ before
14 the date the order determining that the adjudicated ~~father~~
15 parent is not ~~the a~~ biological ~~father~~ parent is filed, is
16 due and owing;

17

18 (vii) That the adjudicated ~~father~~ parent has no
19 right to reimbursement of past child support paid to ~~the~~
20 ~~mother~~ another parent, the state of Wyoming or any other
21 assignee of child support.

22

1 **14-2-903. Paternity of child of assisted**
2 **reproduction.**

3

4 A man who provides sperm for, or consents to, assisted
5 reproduction by a woman as provided in W.S. 14-2-904, with
6 the intent to be the parent of ~~her~~the child, is the parent
7 of the resulting child.

8

9 **14-2-904. Consent to assisted reproduction.**

10

11 (a) Consent by a woman and a ~~man~~person who intends
12 to be the parent of a child born to the woman by assisted
13 reproduction shall be in a record signed by the woman and
14 the ~~man~~intended parent. This requirement shall not apply
15 to a donor.

16

17 (b) Failure to sign a consent required by subsection
18 (a) of this section, before or after birth of the child,
19 does not preclude a finding of ~~paternity~~parentage if the
20 woman and the ~~man~~intended parent, during the first two (2)
21 years of the child's life resided together in the same
22 household with the child and openly held out the child as
23 their own.

1

2 **14-2-905. Limitation on spouse's dispute of**
3 **parentage.**

4

5 (a) Except as otherwise provided in subsection (b) of
6 this section, the ~~husband~~spouse of a wife who gives birth
7 to a child by means of assisted reproduction may not
8 challenge ~~his paternity~~the parentage of the child unless:

9

10 (i) Within two (2) years after learning of the
11 birth of the child ~~he~~the spouse commences a proceeding to
12 adjudicate ~~his paternity~~the parentage; and

13

14 (ii) The court finds that ~~he~~the spouse did not
15 consent to the assisted reproduction, before or after birth
16 of the child.

17

18 (b) A proceeding to adjudicate ~~paternity~~parentage
19 may be maintained at any time if the court determines that:

20

21 (i) ~~The husband did not provide sperm for, or~~
22 ~~before or after the birth of the child consent to, assisted~~

1 ~~reproduction by his wife;~~ Any of the following has
2 occurred:

3
4 (A) A husband did not provide sperm for
5 assisted reproduction by the spouse or a surrogate;

6
7 (B) A wife did not provide the egg for
8 assisted reproduction by the spouse or a surrogate;

9
10 (C) Before or after the birth of the child
11 a spouse did not consent to assisted reproduction by the
12 other spouse or a surrogate.

13
14 (ii) The ~~husband and the mother of the child~~
15 married couple have not cohabited since the probable time
16 of assisted reproduction; and

17
18 (iii) The ~~husband~~spouse never openly held out
19 the child as ~~his~~that spouse's own.

20
21 **14-3-210. Admissibility of evidence constituting**
22 **privileged communications.**

23

1 (a) Evidence regarding a child in any judicial
2 proceeding resulting from a report made pursuant to W.S.
3 14-3-201 through 14-3-215 shall not be excluded on the
4 ground it constitutes a privileged communication:

5

6 (i) Between ~~husband and wife~~ a married couple;

7

8 **14-3-402. Definitions.**

9

10 (a) As used in this act:

11

12 (xiii) "Parent" means either a natural or
13 adoptive parent of the child, a person adjudged the parent
14 of the child in judicial proceedings or a ~~man presumed to~~
15 ~~be the father under W.S. 14-2-504~~ person established as the
16 parent under title 14, chapter 2, article 5;

17

18 **14-6-201. Definitions; short title; statement of**
19 **purpose and interpretation.**

20

21 (a) As used in this act:

22

1 (xvii) "Parent" means either a natural or
2 adoptive parent of the child, a person adjudged the parent
3 of the child in judicial proceedings or a ~~man presumed to~~
4 ~~be the father under W.S. 14-2-504~~ person established as the
5 parent under title 14, chapter 2, article 5;
6

7 **14-6-402. Definitions.**

8
9 (a) As used in this act:

10
11 (xiv) "Parent" means either a natural or
12 adoptive parent of the child, a person adjudged the parent
13 of the child in judicial proceedings or a ~~man presumed to~~
14 ~~be the father under W.S. 14-2-504~~ person established as the
15 parent under title 14, chapter 2, article 5;
16

17 **15-5-206. Death benefits to dependent parents;**
18 **amounts.**

19
20 If any paid fireman dies, leaving no surviving spouse or
21 children, but leaves ~~a~~ one (1) or both surviving dependent
22 ~~father or mother or both~~ parents, the board shall pay to
23 the ~~mother if there is no father, to the father if there is~~

1 ~~no mother or to both~~ surviving dependent parent, out of the
2 firemen's pension account, a monthly amount equal to the
3 pension the retired fireman was receiving if retired at the
4 time of ~~his~~ death, or if in active service at the time of
5 death, a monthly amount equal to the greater of the monthly
6 benefit payable to the fireman under W.S. 15-2-204 at the
7 time of ~~his~~ death or the monthly benefit payable under W.S.
8 15-2-204(a) for twenty (20) years of active service. If
9 either of the surviving ~~mother or father~~ parents dies after
10 the payments have started, the board shall pay to the
11 remaining surviving parent the full amount as computed
12 under this section.

13

14 **15-5-309. Death benefits; surviving spouse and**
15 **children; amounts; length of payments; benefit adjustment.**

16

17 (b) If the police officer is retired and drawing ~~his~~
18 a pension at the time of ~~his~~ the officer's death, and
19 leaves a ~~wife~~ surviving spouse, the board shall pay a
20 monthly pension out of the fund to ~~his~~ the surviving spouse
21 equal to two-thirds (2/3) of the pension the retired police
22 officer was receiving at the time of ~~his~~ death. In
23 addition, the board shall pay to the surviving spouse or

1 legal guardian sixty dollars (\$60.00) per month out of the
2 fund for the support and maintenance of each child of the
3 deceased, retired officer who is under eighteen (18) years
4 of age and was supported by ~~him~~the officer prior to ~~his~~
5 the officer's death. The payments shall continue until the
6 child becomes eighteen (18) years of age or marries.

7

8 **15-5-312. Application for benefits; statement filed;**
9 **determination; review.**

10

11 If any ~~policeman~~police officer, ~~his~~the officer's
12 surviving ~~wife~~spouse, dependent children or dependent
13 parents are entitled to any pension or benefits under this
14 article, the ~~policeman~~police officer, or in the event of
15 ~~his~~the officer's death the dependent, shall apply for
16 benefits or pension by filing a complete and concise
17 statement of facts necessary to entitle the applicant to
18 the benefits or pension. The application shall be filed
19 with the board upon forms it provides. The board may
20 investigate each application and determine whether benefits
21 or pension should be granted. The board may also hear
22 evidence as to the justice of the application, or require
23 and receive affidavits as to the truth of the statements

1 made therein. If the application is refused, the matter may
2 be reviewed by the district court of the county in which
3 the applicant resides pursuant to Rule 12 of the Wyoming
4 Rules of Appellate Procedure.

5

6 **18-5-303. Exemptions from provisions.**

7

8 (a) Unless the method of sale or other disposition is
9 adopted for the purpose of evading the provisions of this
10 article, this article shall not apply to the following
11 subdivisions of land however, the following subdivisions
12 are subject to requirements which may be adopted by the
13 board of county commissioners regarding documentation of
14 the proper use and implementation of the following
15 exemptions:

16

17 (x) A division ~~which~~that is created by the
18 acquisition of an interest in land in the name of the
19 ~~husband and wife~~spouses or other persons in joint tenancy
20 or as tenants in common, and the interest shall be deemed
21 for purposes of this subsection as only one (1) interest;

22

23

CHAPTER 1

1

MARRIED PERSONS

2

3

20-1-101. Marriage a civil contract.

4

5 Marriage is a civil contract between ~~a male and a female~~
6 ~~person~~ two (2) persons to which the consent of the parties
7 capable of contracting is essential.

8

9

**20-1-102. Minimum marriageable age; exception;
10 parental consent.**

11

12 (c) When either party is a minor, no license shall be
13 granted without the verbal consent, if present, and written
14 consent, if absent, of ~~the~~a father, mother, guardian or
15 person having the care and control of the minor. Written
16 consent shall be proved by the testimony of at least one
17 (1) competent witness.

18

19

**20-1-106. Who may solemnize marriage; form of
20 ceremony.**

21

22 (b) In the solemnization of marriage no particular
23 form is required, except that the parties shall solemnly

1 declare in the presence of the person performing the
2 ceremony and at least two (2) attending witnesses that they
3 take each other as ~~husband and wife~~ spouses.

4

5 **20-1-201. Separate estate of real and personal**
6 **property; not subject to control of spouse; exceptions.**

7

8 All property belonging to a married person as ~~his~~ separate
9 property ~~which he~~ that the person owns at the time of ~~his~~
10 marriage or ~~which~~ that during marriage ~~he~~ the person
11 acquires in good faith from any person by descent or
12 otherwise, together with all rents, issues, increase and
13 profits thereof, is during marriage ~~his~~ that person's sole
14 and separate property under ~~his~~ the person's sole control
15 and may be held, owned, possessed and enjoyed by ~~him~~ the
16 person the same as though ~~he~~ the person were single. Such
17 property is not subject to the disposal, control or
18 interference of ~~his~~ the person's spouse and is exempt from
19 execution or attachment for the debts of ~~his~~ the person's
20 spouse if the property was not conveyed ~~to him~~ by ~~his~~ the
21 person's spouse in fraud of ~~his~~ either person's creditors.
22 The necessary expenses of the family and the education of
23 the children are chargeable upon the property of both

1 ~~husband and wife~~ spouses, or either of them, for which they
2 may be sued jointly or separately.

3

4 **20-2-101. Void and voidable marriages defined;**
5 **annulments.**

6

7 (d) An action to annul a marriage on the ground that
8 one of the parties was under the age of legal consent
9 provided by W.S. 20-1-102(a) may be filed by the parent or
10 guardian entitled to the custody of the minor. The marriage
11 may not be annulled on the application of a party who was
12 of the age of legal consent at the time of the marriage nor
13 when it appears that the parties, after they had attained
14 the age of consent, had freely cohabited as ~~man and wife~~
15 spouses.

16

17 (e) An action to annul a marriage on the grounds of
18 mental incompetency may be commenced on behalf of a
19 mentally incompetent person by ~~his~~ the person's guardian or
20 next friend. A mentally incompetent person restored to
21 competency may maintain an action of annulment, but no
22 decree may be granted if the parties freely cohabited as
23 ~~husband and wife~~ spouses after restoration of competency.

1

2 **20-2-102. Petition by spouse for support.**

3

4 When the ~~husband and wife~~ spouses are living separately, or
5 when they are living together but one (1) spouse does not
6 support the other spouse or children within ~~his~~ the
7 spouse's means, and no proceeding for divorce is pending,
8 the other spouse or the department of family services may
9 institute a proceeding for support. No less than five (5)
10 days after notice is personally served upon the
11 nonsupporting spouse, the court may hear the petition and
12 grant such order concerning the support of the spouse or
13 children as it might grant were it based on a proceeding
14 for divorce. If the nonsupporting spouse cannot be
15 personally served within this state but has property within
16 the jurisdiction of the court, or debts owing to ~~him~~ the
17 nonsupporting spouse, the court may order such constructive
18 service as appears sufficient and proper and may cause an
19 attachment of the property. Upon completion of constructive
20 service the court may grant relief as if personal service
21 was had.

22

1 **20-2-201. Disposition and maintenance of children in**
2 **decree or order; access to records.**

3
4 (a) In granting a divorce, separation or annulment of
5 a marriage or upon the establishment of ~~paternity~~parentage
6 pursuant to W.S. 14-2-401 through 14-2-907, the court may
7 make by decree or order any disposition of the children
8 that appears most expedient and in the best interests of
9 the children. In determining the best interests of the
10 child, the court shall consider, but is not limited to, the
11 following factors:

12
13 **20-3-103. Ordering of payments for support in lieu of**
14 **penalty; violation of order; trial; sentence; forfeiture of**
15 **recognizance; disposition of sum recovered.**

16
17 If the court finds at any time during the period of
18 probation the defendant has violated the terms of the
19 order, it may forthwith proceed with the trial of the
20 defendant under the original charge, or sentence him or her
21 or enforce a suspended sentence under the original plea or
22 conviction. In case of the forfeiture of recognizance, or
23 enforcement thereof by execution, the sum recovered may be

1 paid in whole or in part to the ~~wife~~nondeserting spouse or
2 to the guardian, custodian or trustee of the minor child or
3 children.

4

5 **20-3-104. Proving marriage, parenthood; spouses as**
6 **witnesses; disclosure of confidential communications;**
7 **desertion, neglect or refusal to support.**

8

9 No other or greater evidence is required to prove ~~the a~~
10 marriage ~~of a husband and wife~~ or that the defendant is the
11 father or mother of a child or children than is required to
12 prove such facts in a civil action. In a prosecution under
13 this act no statute or rule of law prohibiting the
14 disclosure of confidential communications between ~~husband~~
15 ~~and wife~~a married couple shall apply. Both ~~husband and~~
16 ~~wife~~spouses are competent witnesses to testify against
17 each other to any relevant matters including the fact of
18 marriage and the parentage of the child or children but
19 neither shall be compelled to give evidence incriminating
20 himself or herself. Proof of the desertion of the ~~wife~~
21 other spouse, child or children in destitute or necessitous
22 circumstances, or of the neglect or refusal to provide for
23 the support and maintenance of the ~~wife~~other spouse, child

1 or children is prima facie evidence that the desertion,
2 neglect or refusal is willful.

3

4 **20-4-166. Special rules of evidence and procedure.**

5

6 (j) The defense of immunity based on ~~the~~ a marital
7 relationship ~~of husband and wife~~ or a parent ~~and~~ child
8 relationship does not apply in a proceeding under this act.

9

10 **20-4-170. Establishment of support order.**

11

12 (b) The tribunal may issue a temporary child support
13 order if the tribunal determines that the order is
14 appropriate and the individual ordered to pay is:

15

16 (vii) ~~The~~ A mother of the child; or

17

18 **20-5-410. Hearing and order.**

19

20 (d) A privilege against disclosure of communications
21 between spouses and a defense of immunity based on ~~the~~ a
22 marital relationship ~~of husband and wife~~ or a parent ~~and~~ child

1 child relationship may not be invoked in a proceeding under
2 this article.

3

4 **34-1-109. Right to convey all interest in land**
5 **divested from spouse; effect of conveyance.**

6

7 In all cases where the interest of ~~the husband~~ one (1)
8 spouse in any tract or parcel of land has been, or shall
9 be, divested by process of law, or by voluntary conveyance
10 or otherwise, the ~~wife~~ other spouse may, by ~~her~~ separate
11 deed, release and convey to the purchaser, ~~his~~ the
12 purchaser's heirs or grantees, ~~all her~~ that spouse's
13 interest in such tract or parcel of land, whether in
14 possession or expectancy, in the same manner as though ~~she~~
15 that spouse were sole and unmarried. ~~;~~ ~~and a~~ Any deed by ~~the~~
16 ~~wife~~ that spouse so executed and acknowledged, shall be a
17 valid and sufficient bar in law and equity to any right or
18 choice of dower, or other interest ~~which she~~ that spouse
19 may thereafter assert in such premises.

20

21 **34-1-110. Married persons; conveyance by nonresident.**

22

1 When any married ~~woman~~ person, not residing in this state,
2 shall join ~~her husband~~ the person's spouse in any
3 conveyance of real estate situated within this state, the
4 conveyance shall have the same effect as if ~~she~~ the person
5 were sole, and the acknowledgment of proof of the execution
6 of such conveyance ~~by her,~~ may be the same as if ~~she~~ the
7 person were sole.

8

9 **34-1-129. Spouses may appoint each other as**
10 **attorney-in-fact to control interests.**

11

12 A ~~husband or wife~~ spouse may constitute the other spouse as
13 his or her attorney-in-fact to control or dispose of his or
14 her property, or any inchoate or other interest therein and
15 may revoke the same to the same extent and in the same
16 manner as other persons.

17

18 **34-1-142. Instrument transferring title to real**
19 **property; procedure; exceptions; confidentiality.**

20

21 (c) This section does not apply to:

22

1 (v) A transfer between ~~husband and wife~~ spouses
2 or parent and child with only nominal consideration
3 therefor;

4

5 **34-2-121. Conveyance and encumbrance of homesteads**
6 **void unless spouse joins; exception.**

7

8 Every owner or occupant of a homestead as established
9 herein may voluntarily sell, mortgage, or otherwise dispose
10 of or encumber the same; provided the instrument of writing
11 conveying, mortgaging, disposing of or encumbering such
12 homestead shall contain in substance the following words:
13 "Hereby releasing and waiving all rights under and by
14 virtue of the homestead exemption laws of this state", and
15 shall be freely and voluntarily signed and acknowledged by
16 the owner and the spouse of the owner of said homestead.
17 The foregoing provisions shall not be applicable to nor
18 shall compliance therewith be required for full legal
19 effectiveness of any conveyance of property directly from
20 ~~husband to wife~~ one spouse to the other.

21

22 **35-1-410. Birth registration.**

23

1 (c) When a birth occurs outside an institution, the
2 certificate shall be prepared and filed by one (1) of the
3 following in the indicated order of priority:

4

5 (iii) ~~The father, the mother~~ Either parent, or
6 in the absence ~~of the father and the~~ or inability of ~~the~~
7 ~~mother~~ both parents, the person in charge of the premises
8 where the birth occurred.

9

10 **35-1-411. Name of father or parent on birth**
11 **certificate.**

12

13 (a) If the mother was married either at the time of
14 conception or birth of child, or between conception and
15 birth, the name of the ~~husband~~ spouse shall be entered on
16 the certificate as the ~~father~~ other parent of the child,
17 unless:

18

19 (ii) The ~~husband~~ other parent signs an affidavit
20 denying that he or she is ~~the father~~ a parent of the child
21 and the mother and the person to be named as the father
22 sign an affidavit of paternity under this section.
23 Affidavits may be joint or individual or a combination

1 thereof, and each signature shall be individually
2 notarized. The name of the person signing the affidavit of
3 paternity shall be entered as the father on the certificate
4 of birth.

5
6 (c) In any case in which ~~paternity~~parentage of a
7 child is determined by a court of competent jurisdiction,
8 the name of the ~~father~~parents and surname of the child
9 shall be entered on the certificate of birth in accordance
10 with the finding and order of the court.

11

12 **35-1-422. Marriage registration.**

13

14 (a) A record of each marriage performed in the state
15 shall be filed with the state registrar of vital records as
16 provided in this section. The officer who issues the
17 marriage license shall prepare the certificate on the form
18 furnished by the state registrar of vital records upon the
19 basis of information obtained from the parties to be
20 married, as provided by W.S. 20-1-103 and signed by the
21 ~~bride and groom~~parties to be married.

22

23 **37-9-504. Contracts restricting liability void.**

1
2 Any contract, rule, or regulation or device whatsoever, the
3 purpose or intent of which shall be to enable any such
4 person or corporation, so operating such railroad to exempt
5 itself from any liability created by this act shall, to
6 that extent, be void. Nor shall any contract of insurance,
7 relief, benefit or indemnity in case of injury or death,
8 entered into prior to the injury, between the person so
9 injured and such corporation, or any person or association
10 acting for such corporation, nor shall the acceptance of
11 any such insurance, relief, benefit, or indemnity by the
12 person injured, ~~his widow~~ the person's surviving spouse,
13 heirs, or legal representatives after the injury, from such
14 corporation, person or association, constitute any bar or
15 defense to any cause of action brought under the provisions
16 of this act, but nothing herein contained shall be
17 construed to prevent or invalidate any settlement for
18 damages between the employer and the employees subsequent
19 to injuries received.

20

21 **40-14-349. Use of multiple agreements.**

22

1 With respect to a supervised loan, no lender may permit any
 2 person, or ~~husband and wife~~ a married couple, to become
 3 obligated in any way under more than one (1) loan agreement
 4 with the lender or with a person related to the lender,
 5 with intent to obtain a higher rate of loan finance charge
 6 than would otherwise be permitted by the provisions on loan
 7 finance charge for supervised loans (W.S. 40-14-348) or to
 8 avoid disclosure of an annual percentage rate pursuant to
 9 the laws relating to disclosure and advertising. The excess
 10 amount of loan finance charge provided for in agreements in
 11 violation of this section is an excess charge for the
 12 purposes of the provisions on effect of violations on
 13 rights of parties (W.S. 40-14-521) and the provisions on
 14 civil actions by administrator (W.S. 40-14-613).

15

16 *****

17

18

STAFF COMMENT

19 **The Committee may wish to consider including the following**
 20 **language:**

21

22 **Section 2. Any board, commission, agency or authority of**
 23 **the state of Wyoming affected by the statutes amended by**
 24 **this act shall review its rules for consistency with this**
 25 **act.**

