

The Legal Rights of Women in Wyoming 2011-2016 Update

ADOPTION & GUARDIANSHIP 2

Resources/More Information:

- Wyoming Children’s Society, 314 E. 21st Street, Cheyenne, WY 82001
 - <http://www.wyomingcs.org/adoption/>
- Wyoming Foster Care/Adoption
 - <http://adoptuskids.org/for-families/state-adoption-and-foster-care-information/wyoming>
- Equal Justice of Wyoming
211 West 19th Street, Ste. 300
Cheyenne, WY 82001
307-432-0807
1-877-432-9955 Toll free
- University of Wyoming Family and Child Legal Advocacy Center
1000 E. University Avenue, Dept. 3010
Laramie, WY 82071
307-766-3747

Adopted Child intestate succession

In Wyoming, so long as a child is not adopted, the child may still inherit from a parent even when that parent’s rights have been terminated. (2015)

2-4-107. Determination of relationship of parent and child.

(a) If for purposes of intestate succession, a relationship of parent and child shall be established to determine succession by, through or from a person:

(i) An adopted person is the child of an adopting parent for inheritance purposes but the adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent for inheritance purposes; (2015)

14-2-317. Effect of order of termination.

(a) An order terminating the parent-child legal relationship divests the parent of all legal rights and privileges and relieves the child of all duties to that parent except:

(ii) Except as provided in W.S. 2-4-107(a)(i), the right of the child to inherit from the parent shall not be affected by the order. (2015)

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Consumer Protection Unit

Security Breach Notifications

- Under **W.S. 40-12-502 (e) and (h)**, if any individual or business which owns or licenses personally identifying digital information is aware of a security breach that may reasonably lead to misuse of this data must notify the person affected. This notice must be clear and provide the types of information accessed, how the breach occurred, when it occurred, how they are protecting personal information from further breaches and advice to the person about how to prevent damage to their credit or identity fraud.

Post Date Checks (New Section)

- Under **W.S. 40-14-363(b)**, a person may write a post dated check with the maximum term of any post-dated check or similar arraignment for one (1) calendar month. There is the ability to pursue an extended payment plans under **W.S. 40-14-366**.
- Under **W.S. 40-14-365(a)**, a person with a post-dated (check writer) check may rescind the check by 5:00 p.m. Mountain Time on the following business day, as long as the consumer (check writer) returns to the returns with cash or certified funds in the full original amount of the funds advanced. The rescission will not cost anything to the consumer (check writer).

Extended Payment Plans:

- Under **W.S. 40-14-366(a)**, if a consumer (check writer) is unable to repay a post-dated check or similar arrangement when due, may elect once every twelve (12) months to repay the post-dated check or similar arrangement by an extended payment plan. The twelve (12) month period starts on the date the consumer (check writer) pays the entire full amount of the extended payment plan with the post-dated check until the date that the consumer (check writer) enters into another extended payment plan with the post-dated check casher (person who the check was written to).
- Under **W.S. 40-14-366(b)**, in order to request an extended payment plan, the consumer (check writer), before 5:00 p.m. Mountain Standard Time, on the last business day before the due date of the outstanding post-dated check or similar arrangement, shall request the plan and sign an amendment to the original agreement.
- Under **W.S. 40-14-366(c)**, the extended payment plan's terms will allow the consumer (check writer) to repay the outstanding post-dated check or similar arrangement including any fee due in at least (4) equal installments and over a time period of at least sixty (60) days. Each installment will be due on or after a date on which the consumer (check writer) receives regular income (gets paid), or if the consumer has no regular income due dates shall be a minimum of two (2) weeks between installments. The consumer (check writer) can pay in advance an extended payment plan in full at any time without a penalty. As long as the consumer (check writer) complies with the terms of the extended payment plan, the plan shall be at no additional cost to the consumer (check writer) and the post-dated check casher (person to whom the check was written to) can't charge the consumer any interest or additional fees during the term of the extended plan.
- Under **W.S. 40-14-366(d)**, if the consumer (check writer) does not pay an extended payment plan installment when it is due, the consumer (check writer) shall be in default of the payment plan and the post-dated check casher immediately may make the payment on the remaining balance and attempt to collect all amounts due. If the consumer (check writer) defaults or doesn't pay the required amount, the post-dated check casher (person to whom the check was written) may charge the consumer interest on the remaining balance at a yearly rate equal to six percent (6%) plus the prime rate that is listed in the Wall Street Journal on January 1 of the year the consumer defaults.
- Under **W.S. 40-14-367(a)**, a post-dated check casher will provide the consumer (check writer) with the following notice and the must get the consumer (check writer) to sign it in order to show that the consumer had notice:

Notice

- 1. State law prohibits a post-dated check or similar arrangement from being repaid, refinanced or otherwise consolidated by proceeds of another post-dated check or similar arrangement accepted by the same post-dated check casher.
- 2. Post-dated check advances should be used for short-term need only, not as a long-term financial solution. Customers with credit difficulties should seek credit counseling.

Consumer Protection Unit

To request a complaint form:

- Visit <http://ag.wyo.gov/>
- Call 307-777-5833

Resources

Wyoming Resources

Wyoming Department of Audit
122 W 25th St, #3e
Cheyenne, WY 82001
<http://audit.state.wy.us>, Phone: (307) 777-6605

Equal Justice of Wyoming

211 West 19th Street, Ste. 300
Cheyenne, WY 82001
307-432-0807
1-877-432-9955 Toll free

Legal Aid of Wyoming

Legal Aid of Wyoming

Casper Office

159 N Wolcott St., Ste. 100
Casper, WY 82601
Phone: 1-877-432-9827
Fax: 307-232-9830

Lander Office

420 Lincoln Street
Lander, WY 82520
Phone: 1-877-432-9955
Fax: 307-332-3544

Rock Springs Branch Office

725 C. Street
Rock Springs, WY 82901
(307) 459-5764
Fax: (307) 316-0627

Gillette Branch Office

114 4J Road
Gillette, WY 82716
(307) 459-5765
Fax: (307) 333-0431

CRIMINAL LAW 21

Child Abuse Updated Definition

- Under **W.S. 6-2-503**, a person is not responsible for a child’s welfare (W.S. 14-3-202(a)(i)) is guilty of child abuse if the person intentionally or recklessly inflicts upon a child under the age of sixteen (16) years:
 - (A) Physical injury as defined in W.S. 14-3-202(a)(ii)(B); or
 - (B) Mental injury as defined in W.S. 14-3-202(a)(ii)(A);. Or
 - (C) Torture or cruel confinement.

The person intentionally or recklessly inflicts upon a child under the age of sixteen (16) years:

- Physical injury as defined in W.S. 14-3-202(a)(ii)(B); or
- Mental injury as defined in W.S. 14-3-202(a)(ii)(A);. or
- Torture or cruel confinement.

Under **W.S. 6-2-503**, Aggravated child abuse is a felony punishable by imprisonment for not more than twenty-five (25) years if in the course of committing the crime of child abuse, as defined in subsection (a) or (b) of this section, the person intentionally or recklessly inflicts serious bodily injury upon the victim or the person intentionally inflicts substantial mental or emotional injury upon the victim by the torture or cruel confinement of the victim.

Restitution (New Section-Cross Referenced in Family Law)

- Under **W.S. 7-13-301(a)**, if a person who has not previously been convicted of any felony is charged with or is found guilty or pleads no contest to any misdemeanor except any second or

subsequent violation of W.S. 31-5-233 or any similar provision of law, or any second or subsequent violation of W.S. 6-2-501(a) or (b) by a household member as defined by W.S. 35-21-192 against any other household member or any similar provisions of law, or any felony except murder, sexual assault in the first or second degree, aggravated assault and batter or arson in the first or second degree, the court may, with the consent of the defendant and the state and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to exceed five (5) years upon terms and conditions set by the court. The terms of probation may include that he:

- (v) Pay restitution to each victim in accordance with W.S. 7-9-101 and 7-9-103 through 7-9-115.

Human Trafficking (New Section-Cross Referenced in Violence Against Women)

- W.S. 6-2-701 Definitions:
 - (a) As used in this article:
 - (i) “Benefit” means anything of value;
 - (ii) “Coercion” means any one (1) or more of the following:
 - (A) The use or threat of force, abduction, serious harm to or physical restraint against any individual;
 - (B) The use of a scheme, plan, pattern or fraudulent statement with intent to cause an individual to believe that failure to perform an act will result in serious harm to or physical restraint against any individual;
 - (C) The abuse or threatened abuse of the law or legal process;
 - (D) The abuse of a position of power or taking advantage of a position of vulnerability;
 - (E) Providing a controlled substance to an individual for the purpose of controlling the person's behavior;
 - (F) Interfering with lawful custody of or access to an individual's children;
 - (G) The destruction of, taking of or the threat to destroy or take an individual's identification document;
 - (H) The use of an individual's personal services as security payment or satisfaction for a real or purported debt if:
 - (I) The reasonable value of the services is not applied toward the liquidation of the debt;
 - (II) The length of the services is not limited and their nature is not defined;
 - (III) The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred; or

- (IV) The individual is prevented from acquiring accurate and timely information about the disposition of the debt.
- (iii) “Commercial sex act” means any sexual act for which anything of value is given to, promised or received by a person in exchange for the sexual act;
- (iv) “Deception” means:
 - (A) A person's creation or confirmation of an individual's impression of material fact or event which is false and which the person knows or has reason to believe is false, including:
 - (I) The nature of labor or services to be provided;
 - (II) The fundamental conditions of labor; or
 - (III) The extent to which the individual will be free to leave the individual's place of residence or workplace; and
 - (B) The promise of a benefit to or performance of a service to an individual in which the person does not intend to be delivered or performed.
 - (v) “Financial harm” means a detrimental position in relation to wealth, property or other monetary benefits that occurs as a result of another person's illegal act including, but not limited to, blackmail, promoting of prostitution or illegal employment contracts;
 - (vi) “Forced services” means services performed or provided by a person that are obtained or maintained by another person who:
 - (A) Causes or threatens to cause serious harm to any person;
 - (B) Physically restrains or threatens to physically restrain another person;
 - (C) Abuses or threatens to abuse the law or legal process;
 - (D) Knowingly destroys, conceals, removes or confiscates any actual or purported passport or other immigration document, or any other actual or purported government

identification document, of another person;

- (E) Engages in blackmail; or
- (F) Causes or threatens to cause financial harm to any person.

- (vii) "Identification document" includes a passport, driver's license, immigration document, travel document and any other government issued identification document;
- (viii) "Labor" means work of economic or financial value;
- (ix) "Minor" means any natural person younger than eighteen (18) years of age;
- (x) "Pecuniary damage" means all damages which a victim could recover against the defendant in a civil action arising out of the same facts or event, including damages for wrongful death. It does not include punitive damages and damages for pain, suffering, mental anguish and loss of consortium;
- (xi) "Person" means an individual, partnership, corporation, joint stock company or any other association or entity, public or private;
- (xii) "Restitution" means full or partial payment of pecuniary damage to a victim;
- (xiii) "Serious harm" means physical or nonphysical harm or property damage, including, but not limited to, bodily injury as defined in [W.S. 6-1-104\(a\)\(i\)](#), economic loss as defined in [W.S. 1-40-102\(a\)\(v\)](#), personal injury as defined in [W.S. 1-40-102\(a\)\(vii\)](#) or reputational harm sufficient to compel a reasonable person of the same background and in the same circumstance of the victim, to perform or to continue performing labor, a service or a commercial sex act in order to avoid incurring that harm;
- (xiv) "Services" means activities resulting from a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity is "services" in this article. Nothing in this definition may be construed to legitimize or legalize prostitution;
- (xv) "Victim" means the person alleged to have been subjected to human trafficking;
- (xvi) "This act" means W.S. 6-2-701 through 6-2-710.

Human Trafficking in the First Degree

- Under **W.S. 6-2-702(a)**, a person is guilty of human trafficking in the first degree when the person intentionally or knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:
 - (i) Forced labor or servitude in violation of W.S. 6-2-704;
 - (ii) Sexual servitude in violation of W.S. 6-2-705; or
 - (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.
- Under **W.S. 6-2-702(b)**, Human trafficking in the first degree is a felony punishable by imprisonment for not less than five (5) nor more than fifty (50) years unless the victim is a minor in which case it is a felony punishable by imprisonment for not less than twenty-five (25) nor more than fifty (50) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

Human Trafficking in the Second Degree

- Under **W.S. 6-2-703(a)**, A person is guilty of human trafficking in the second degree when the person recklessly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:
 - (i) Forced labor or servitude in violation of W.S. 6-2-704;
 - (ii) Sexual servitude in violation of W.S. 6-2-705;
 - (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.
- Under **W.S. 6-2-703(b)**, human trafficking in the second degree is a felony punishable by imprisonment for not less than two (2) nor more than twenty (20) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

Forced Labor or Servitude; penalty

- Under **W.S. 6-2-704(a)**, A person is guilty of forced labor or servitude when the person intentionally, knowingly or recklessly uses coercion, deception or fraud to compel an individual to provide forced services.
- Under **W.S. 6-2-704(b)**, Intentionally, knowingly or recklessly compelling forced labor or servitude is a felony punishable by imprisonment for not more than fifteen (15) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

Sexual Servitude of Adult

- Under **W.S. 6-2-705(a)**, A person is guilty of sexual servitude of an adult when the person intentionally, knowingly or recklessly uses coercion, deception or fraud to compel an individual eighteen (18) years of age or older to engage in commercial sexual services.

- Under **W.S. 6-2-705(b)**, Intentionally, knowingly or recklessly compelling the sexual servitude of an adult is a felony punishable by imprisonment for not more than three (3) years and a fine of not more than three thousand dollars (\$3,000.00), or both.

Sexual Servitude of a Minor

- Under **W.S. 6-2-706(a)**, A person is guilty of sexual servitude of a minor when the person intentionally, knowingly or recklessly offers, obtains, procures or provides an individual less than eighteen (18) years of age to engage in commercial sexual services.
- Under **W.S. 6-2-706(b)**, Intentionally, knowingly or recklessly compelling the sexual servitude of a minor is a felony punishable by imprisonment for not more than five (5) years and a fine of not more than five thousand dollars (\$5,000.00), or both.
- Under **W.S. 6-2-706(c)**, It is not a defense in a prosecution under this section that the individual consented to engage in commercial sexual services or that the defendant reasonably believed the individual was at least eighteen (18) years of age.

Patronizing a victim of sexual servitude

- Under **W.S. 6-2-707(a)**, A person is guilty of patronizing a victim of sexual servitude when the person pays, agrees to pay or offers to pay anything of value so that the person or another may engage in sexual activity with an individual when the person knows that the individual is a victim of sexual servitude in violation of W.S. 6-2-705 or 6-2-706.
- Under **W.S. 6-2-707(b)**, Patronizing a victim of sexual servitude is a felony punishable by a fine of not more than five thousand dollars (\$5,000.00), imprisonment for not more than three (3) years, or both.

Victim defenses; vacating convictions

- Under **W.S. 6-2-708(a)**, A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incident to, being a victim of human trafficking in violation of W.S. 6-2-702 through 6-2-707.
- Under **W.S. 6-2-708(b)**, A victim of human trafficking who is a minor shall be deemed a child in need of supervision in accordance with the Children in Need of Supervision Act or a neglected child in accordance with the Child Protection Act.
- Under **W.S. 6-2-708(c)**, At any time after the entry of a conviction, the court in which it was entered may vacate the conviction if the defendant's participation in the offense is found to have been the result of having been a victim. Official documentation of the defendant's status as a victim at the time of the offense from a federal, state or local government agency shall

create a presumption that the defendant's participation in the offense was a result of having been a victim, but shall not be required for granting a motion under this section.

Victims' rights; services

- Under **W.S. 6-2-709(a)**, As soon as possible after the initial encounter with a person who reasonably appears to a law enforcement agency, district or county and prosecuting attorneys' office to be a victim of human trafficking, the agency or office shall:
 - (i) Notify the victim services division within the office of the attorney general that the person may be eligible for services under this article; and
 - (ii) Make a preliminary assessment of whether the victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in the Trafficking Victims Protection Act, 22 U.S.C. section 7105, or appears to be otherwise eligible for any federal, state or local benefits and services. If it is determined that the victim appears to meet such criteria, the agency or office shall report the finding to the victim and shall refer the victim to services available, including legal service providers. If the possible victim is a minor or is a vulnerable adult, the agency or office shall also notify the department of family services.
- Under **W.S. 6-2-709(b)**, The attorney general, a district or county and prosecuting attorney or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this article has begun and the individual who is a likely victim of a crime described in this article is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims of a crime described in this article who are minors. This certification shall be made available to the victim and the victim's designated legal representative.
- Under **W.S. 6-2-709(c)**, Victims of human trafficking under W.S. 6-2-702 through 6-2-706 shall be informed of the rights enumerated in this section, the victim's right to informed consent and the victim's rights as a victim of crime. The victim shall also be informed of available housing, educational, medical, legal and advocacy services.
- Under **W.S. 6-2-709(d)**, Victims of human trafficking are entitled to restitution and forms of compensation under the Crime Victims Compensation Act.
- Under **W.S. 6-2-709(e)**, In a prosecution for an offense under this article, police and prosecuting agencies shall keep the identity of the victim and the victim's family confidential. The prosecutor shall take reasonable steps to protect the victim and the victim's family from being re-victimized.

Restitution

- Under **6-2-710(a)**, In addition to any other punishment prescribed by law, upon conviction for felony under this article, the court shall order a defendant to pay mandatory restitution to each victim as determined under W.S. 7-9-103 and 7-9-114.
- Under **6-2-710(b)**, If the victim of human trafficking to whom restitution has been ordered dies before restitution is paid, any restitution ordered shall be paid to the victim's heir or legal representative provided that the heir or legal representative has not benefited in any way from the trafficking.
- Under **6-2-710(c)**, The return of the victim of human trafficking to the victim's home country or other absence of the victim from the jurisdiction shall not limit the victim's right to receive restitution pursuant to this section.

Prostitution Penalties

- Under **W.S. 6-4-101**, except as provided in W.S. 6-2-701 through 6-2-710, a person who knowingly or intentionally performs or permits, or offers or agrees to perform or permit an act of sexual intrusion, as defined by W.S. 6-2-301(a)(vii), for money or other property commits prostitution which is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

Soliciting an act of prostitution; penalties

- Under **W.S. 6-4-102**, except as provided in W.S. 6-2-701 through 6-2-710, a person is guilty of soliciting an act of prostitution if, with the intent that an act of sexual intrusion as defined by W.S. 6-2-301(a)(vii) be committed, that person knowingly or intentionally pays, or offers or agrees to pay money or other property to another person under circumstances strongly corroborative of the intention that an act of prostitution be committed. Soliciting an act of prostitution is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

Definitions

- Under **W.S. 7-19-301**,
 - (a) Unless otherwise provided, for the purposes of this act:
 - (iv) "Criminal offense against a minor" means the offenses specified in this paragraph in which the victim is less than eighteen (18) years of age. "Criminal offense against a minor" includes an offense committed in another jurisdiction, including a federal court or courts martial, which, if committed in this state, would constitute a "criminal offense against a minor" as defined in this paragraph.

- (J) Human trafficking under W.S. 6-2-702 or 6-2-703 or sexual servitude under W.S. 6-2-705 or 6-2-706.
 - (viii) “Offender” means a person convicted of a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706 or convicted of a criminal offense from Wyoming or any other jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances, as a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706.

Resources:

Center for International Human Rights Law & Advocacy

1000 E. University Ave., Dept. 3035

Laramie, WY 82071

Phone: 307-766-3556

Email: humanrts@uwyo.edu

Process and Procedure (Cross Referenced in Violence Against Women)

- **W.S. 6-2-510** is now known as Domestic Assault and **W.S. 6-2-511** is now known as Domestic Battery. This is a change from the combination “Assault and Battery.”

Domestic Assault

- Under **W.S. 6-2-510(a)**, A household member is guilty of domestic assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another household member.
- Under **W.S. 6-2-510(b)**, Domestic assault is punishable as follows:
 - (i) By a fine of not more than seven hundred fifty dollars (\$750);
 - (ii) by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750), or both, if the person has previously been convicted of domestic assault or if the person has previously been convicted of the following or similar offenses against another household member;
 - Domestic battery under W.S. 6-2-511;
 - Simple assault under W.S. 6-2-501(a);
 - Battery under W.S. 6-2-501(b);
 - Aggravated assault and battery under W.S. 6-2-502;
 - Child abuse under W.S. 6-2-503; or
 - Reckless endangering under W.S. 6-2-504.

- Under **W.S. 6-2-510(c)**, if a person sentenced under paragraph (b)(ii) of this section is placed on probation, the court may, put the person on probation for longer than six (6) months but not longer than one (1) year.
- Under **W.S. 6-2-510(d)**, As used in this section;
 - (i) “convicted” means a person has to be convicted upon a plea of guilty or no contest or has been found guilty;
 - (ii) “household member” means as defined in W.S. 35-21-102;
 - (iii) “similar offense” means a substantially similar law of this or any other state, tribes or territory

Domestic Battery

- Under **W.S. 6-2-511(a)**, A household member is guilty of domestic battery if he knowingly or recklessly causes bodily injury to another household member by the use of physical force.
- Under **W.S. 6-2-511(b)**, Domestic batter is punishable as follows:
 - (i) By imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750), or both;
 - (ii) By imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1000), or both, if within the previous five (5) years, the person has been convicted of domestic battery or the following or similar offense against another household member:
 - (a) Domestic assault under W.S. 6-2-510;
 - (b) Simple assault under W.S. 6-2-501(a);
 - (c) Battery under W.S. 6-2-501(b)
 - (d) Aggravated assault and battery under W.S. 6-2-502;
 - (e) Child abuse under W.S. 6-2-503; or
 - (f) Reckless endangering under W.S. 6-2-504
 - (iii) By imprisonment for not more than five (5) years, a fine of not more than two thousand dollars (\$2000), or both, if within the previous ten (10) years, the person has been convicted of domestic battery two (2) or more times or has been convicted of domestic battery and the following or similar offense against another household member:
 - (a) Domestic assault under W.S. 6-2-510;
 - (b) Simple assault under W.S. 6-2-501(a);
 - (c) Battery under W.S. 6-2-501(b);
 - (d) Aggravated assault and battery under W.S. 6-2-502;
 - (e) Child abuse under W.S. 6-2-503; or

- (f) Reckless endangering under W.S. 6-2-504.
- Under **W.S. 6-2-511(c)**, if a person sentenced under paragraph (b)(ii) of this section is placed on probation, the court may, put the person on probation for longer than one (1) months but not longer than two (2) years.
- Under **W.S. 6-2-511(d)**, As used in this section;
 - (i) "Convicted" means a person has to be convicted upon a plea of guilty or no contest or has been found guilty;
 - (ii) "Household member" means as defined in W.S. 35-21-102;
 - (iii) "Similar offense" means a substantially similar law of this or any other state, tribes or territory.

Definitions

- Under **W.S. 6-1-104(a)**, as used in this act, unless otherwise defined:
 - (a) As used in this act:
 - (v) "Serious crime" means:
 - (B) Any misdemeanor offense charged under W.S. 6-2-501, 6-2-510 or 6-2-511, or any other provision, a conviction of which is a "misdemeanor crime of domestic violence" as defined in 18 U.S.C. § 921(a)(33), and which may therefore result in the disqualification of the person to possess firearms pursuant to the provisions of 18 U.S.C. §§ 922(g)(9) and 924(a)(2), regardless of the determination of the judge that he intends not to impose a term of incarceration for the state offense.
 - (xv) "Pattern of criminal street gang activity" means the commission of, conviction or adjudication for or solicitation, conspiracy or attempt to commit two (2) or more of the offenses listed in this paragraph on separate occasions within a three (3) year period. Offenses that form a pattern of criminal street gang activity include:
 - (R) Simple assault in violation of W.S. 6-2-501(a) and domestic assault in violation of W.S. 6-2-510;
 - (S) Battery in violation of W.S. 6-2-501(b) and domestic battery in violation of W.S. 6-2-511.

Placing person found guilty but not convicted, on probation

- Under **W.S. 7-13-301(a)** If a person who has not been convicted of a felony is found guilty or pleads guilty or no contest to any misdemeanor except any second or additional violation of W.S. 31-5-233 or any similar provision, or any second or additional violation of W.S. 6-2-510(a)

or 6-2-511(a) or any similar provision of law, or any felony except murder, sexual assault in the first or second degree, aggravated assault and battery or arson in the first or second degree, the court may, with the approval of the defendant and the state and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to be longer than five (5) years upon terms and conditions set by the court.

Placement of probationer in program by sentencing court

- Under **W.S. 7-13-1105(c)**, subject to the conditions specified in paragraphs (a)(i) through (iv) of this section, participation in a program established under this article may be ordered for a defendant who has entered a plea of guilty or nolo contendere to or has been convicted of a violation of W.S. 6-2-510 (domestic assault) or 6-2-511 (domestic battery) or a violation of W.S. 6-4-404, or 6-2-504(a) or (b) if the defendant and the victim are household members as defined by W.S. 35-21-102(a) (iv).

Petition for expungement of records of conviction of misdemeanors; filing fee; notice; objections; hearing; definitions

- Under **W.S. 7-13-1501(a)**, A person who has pleaded guilty or nolo contendere to or been convicted of a misdemeanor may petition the convicting court for an expungement of the records of conviction, subject to the following limitations:
 - (i) At least five (5) years have passed for nonstatus offenses and at least one (1) year has passed for status offenses as defined by W.S. 7-1-107(b)(iii) since the expiration of the terms of sentence imposed by the court, including any periods of probation or the completion of any program ordered by the court

Petition for expungement of records of conviction of certain felonies; filing fee; notice; objections; hearing; definitions; restoration of rights

- Under **W.S. 7-13-1502(a)**, A person convicted of a felony of felonies subject to expungement under this section arising out of the same occurrence or related course of events, may petition the convicting court for an expungement of the records of conviction, subject to the following limitations:
 - (iv) Felonies subject to expungement under this section shall not include:
 - (E) Any offense punishable under W.S. 6-2-501(f) as in effect prior to July 1, 2014 and any offense punishable under W.S. 6-2-511(b)(iii) (domestic battery).

Arrest without warrant

- Under **W.S. 7-20-102(a)**, In addition to arrests specified in W.S. 7-2-102, any peace officer who has probable cause to believe that a violation of W.S. 6-2-510(a) (domestic assault) or 6-2-511(a) (domestic battery) has taken place within the past twenty-four (24) hours or is taking place or that a violation of W.S. 6-2-502(a) or 6-2-504(a) or (b) has taken place within the preceding twenty-four (24) hours or is taking place and that the person who committed or is committing the violation is a household member as defined by W.S. 35-21-102(a)(iv), may arrest the violator or aggressor without a warrant for that violation, regardless of whether the violation was committed in the presence of the peace officer.

Resources for Victims

Tribal Prosecutor's Office

111 Norkok St., Fort Washakie, WY 82514

Phone: (307) 856-9404

Equal Justice of Wyoming

211 West 19th Street, Ste. 300

Cheyenne, WY 82001

307-432-0807

1-877-432-9955 Toll free

Warren Air Force Base Victim-Witness Program

Phone: 307-773-6052

Division of Victim Services

New website address: victimservices.wyoming.gov

Phone: 1-800-836-5801

The Wyoming Office of the Attorney General

Division of Victim Services

122 West 25th Street

Herschler Building, First Floor West

Cheyenne, WY 82002

Phone: (307) 777-7200

Fax: (307) 777-6683

E-mail: ag-victimservices@wyo.gov

U.S. District Court Forms

- <http://www.wyd.uscourts.gov/htmlpages/forms.html>

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Statewide Student Assessment

In 2016, the Wyoming legislature replaced “job skills test” with “career readiness examination” and “reading” to “English language arts” in W.S. 21-2-202 et seq. The effective date in W.S. 21-2-202 et seq. was changed to the school year 2017 -2018. The statewide assessment administered under W.S. 21-2-304(a)(v) will be administered in English language arts and mathematics to students in grades three (3) through ten (10). The statewide assessment administered under W.S. 21-2-304(a)(v) will be administered in science to students in grades four (4) through ten (10). The word “achievement” was removed from W.S. 21-2-202(c)(iv).

W.S. 21-2-304 removed W.S. 21-2-304(a)(iv) text pertaining to the school year 2013-2014 and made the statewide student assessment system to include interim assessments as specified. The requirement for school districts to administer common benchmark adaptive assessments was eliminated and changed to allow the state board of education, in consultation with local school districts, to establish requirements for students to earn a high school diploma as evidenced by course completion and as measured by each district's assessment system prescribed by rule and regulation of the state. W.S. 21-2-304.

Hathaway (New Section)

The State of Wyoming has established a generous scholarship program, in the name of former Wyoming Governor Stan Hathaway, that rewards eligible Wyoming students with scholarship money to attend the University of Wyoming or a Wyoming community college. The program provides merit- and need-based awards to eligible students.

Please see the following websites for further information on the curriculum and eligibility:

- <http://www.uwyo.edu/admissions/scholarships/hathaway/>
- <http://edu.wyoming.gov/beyond-the-classroom/college-career/scholarships/hathaway/>
- <http://edu.wyoming.gov/beyond-the-classroom/college-career/scholarships/hathaway/requirements/>

Please see the following statutes for further information regarding the curriculum requirements for the Hathaway Scholarship: Wyoming Statutes §21-16-1301 et seq.

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title21/T21CH16AR13.htm>

W.S. 21-16-1301 et seq. removed the ACT requirement and replaced it with “national percentile rank,” which **W.S. 21-16-1301** defines as “the percentage of scores that fall at or below a given score on a standardized college entrance examination. To receive the Hathaway provisional opportunity scholarship, a student must have a minimum high school GPA of 2.5 and a thirty (30) or greater on the national college entrance examination. To receive the Hathaway opportunity scholarship, a student must have a minimum high school GPA of 2.5 and a forty-three (43) or greater on the national college entrance examination. To receive the Hathaway performance scholarship, a student must have a minimum high school GPA of 3.0 and a fifty-six (56) or greater on the national college entrance examination. To receive the Hathaway honors scholarship, a student must have a minimum high school GPA of 3.5 and a seventy-nine (79) or greater on the national college entrance examination.

Wyoming Department of Education

Cheyenne Office:

2300 Capitol Avenue
Hathaway Building, 2nd Floor
Cheyenne, WY 82001-2060
Phone: (307) 777-7690
Fax: (307) 777-6234

Riverton Office

320 West Main
Riverton, WY 82501
Phone: (307) 857-9250
Fax: (307) 857-9256 fax

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Child Support

In 2015, the Wyoming legislature included “foreign country” along with the child’s “state” to the definition of “home state” for child support purposes.

W.S. 20-4-140. Definitions.

(a) (iv) “Home state” means the state **or foreign country** in which a child lived with a parent or a person acting as a parent for at least six (6) consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child less than six (6) months old, the state **or foreign country** in which the child lived from birth with any of them. A period of temporary absence.

Foreign country is added throughout Wyoming’s Uniform Interstate Family Support Act, **W.S. 20-4-139 et seq.**

- According to **W.S. 20-2-304**, child support shall be expressed in a specific dollar amount. The following child support tables shall be used to determine the total child support obligation considering the combined income of both parents. The appropriate table is based upon the number of children for whom the parents share joint legal responsibility and for whom support is being sought. After the combined net income of both parents is determined it shall be used in the first column of the tables to find the appropriate line from which the total child support obligation of both parents can be computed from the third column. The child support obligation computed from the third column of the tables shall be divided between the parents in proportion to the net income of each. The noncustodial parent's share of the joint child support obligation shall be paid to the custodial parent through the clerk:

(i) One (1) child:

Net Monthly Income of Both Parents	Percentage of Income Allocated For One Child	Base Support Plus Marginal Percentage
\$846.00	22.0	\$186.00 + 21.3% over \$846.00
\$2,961.00	21.5	\$637.00 + 14.3% over \$2,961.00
\$4,652.00	18.9	\$879.00 + 11.8% over \$4,652.00
\$5,498.00	17.8	\$979.00 + 10.2% over \$5,498.00
\$7,613.00	15.7	\$1,195.00 + 9.3% over \$7,613.00
\$10,151.00	14.1	\$1,431.00 + 7.5% over \$10,151.00
\$12,900.00	12.7	\$1,638.00 + 5.9% of anything over \$12,900.00

(ii) Two (2) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Two Children	Base Support Plus Marginal Percentage
\$ 846.00	32.9	\$278.00 + 32.8% over \$846.00
\$2,961.00	32.8	\$971.00 + 20.7% over \$2,961.00
\$4,652.00	28.4	\$1,321.00 + 17.4% over \$4,652.00
\$5,498.00	26.7	\$1,468.00 + 15.2% over \$5,498.00
\$7,613.00	23.5	\$1,789.00 + 14.3% over \$7,613.00
\$10,151.00	21.2	\$2,152.00 + 10.4% over \$10,151.00
\$12,900.00	18.9	\$2,438.00 + 9.5% of anything over

\$12,900.00

(iii) Three (3) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Three Children	Base Support Plus Marginal Percentage
\$846.00	40.2	\$340.00 + 39.4% over \$846.00
\$2,961.00	39.6	\$1,173.00 + 23.9% over \$2,961.00
\$4,652.00	33.9	\$1,577.00 + 20.9% over \$4,652.00
\$5,498.00	31.9	\$1,754.00 + 17.9% over \$5,498.00
\$7,613.00	28.0	\$2,132.00 + 16.8% over \$7,613.00
\$10,151.00	25.2	\$2,558.00 + 11.6% over \$10,151.00
\$12,900.00	22.3	\$2,877.00 + 11.6% of anything over \$12,900.00

(iv) Four (4) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Four Children	Base Support Plus Marginal Percentage
\$846.00	44.9	\$380.00 + 43.9% over \$846.00
\$2,961.00	44.2	\$1,309.00 + 26.8% over \$2,961.00
\$4,652.00	37.9	\$1,763.00 + 22.9% over \$4,652.00
\$5,498.00	35.6	\$1,957.00 + 20.1% over \$5,498.00
\$7,613.00	31.3	\$2,383.00 + 18.5% over \$7,613.00
\$10,151.00	28.1	\$2,852.00 + 13.1% over \$10,151.00
\$12,900.00	24.9	\$3,212.00 + 13.0 % of anything over \$12,900.00

(v) Five (5) or more children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Five Children	Base Support Plus Marginal Percentage
\$846.00	49.4	\$418.00 + 48.3% over \$846.00
\$2,961.00	48.6	\$1,439.00 + 29.6% over \$2,961.00
\$4,652.00	41.7	\$1,940.00 + 24.8% over \$4,652.00
\$5,498.00	39.1	\$2,150.00 + 22.2% over \$5,498.00
\$7,613.00	34.4	\$2,619.00 + 20.4% over \$7,613.00
\$10,151.00	30.9	\$3,137.00 + 14.5% over \$10,151.00
\$12,900.00	27.4	\$3,535.00 + 14.3% of anything over \$12,900.00

- Under **W.S. 20-2-304(b)** Where the combined income of the custodial parent and the noncustodial parent is less than eight hundred forty-six dollars (\$846.00), the support obligation of the noncustodial parent shall be twenty-two percent (22%) of net income for one (1) child

and twenty-five percent (25%) of net income for two (2) or more children, but the support cannot be less than (\$50.00) per month.

- Under **W.S. 20-2-304(c)**, when each parent keeps the children overnight for more than forty percent (40%) of the year and both parents contribute substantially to the expenses of the children in addition to the payment of child support, a joint presumptive support obligation shall be determined by use of the tables. After the joint presumptive child support obligation is derived from column three of the tables, that amount shall be divided between the parents in proportion to the net income of each. The proportionate share of the total obligation of each parent shall then be multiplied by the percentage of time the children spend with the other parent to determine the theoretical support obligation owed to the other parent. The parent owing the greater amount of child support shall pay the difference between the two (2) amounts as the net child support obligation.

Payments

- Under **W.S. 20-2-309(f)**, all child support payments shall be paid to the clerk (as defined by W.S. 20-6-102(a)(x)).

Enforcement of Payments

- Under **W.S. 20-2-310(c)**, in any case in which child support has been ordered to be paid to the clerk, any periodic payment or installment under the provisions of an order concerning maintenance is, on the date it is due, a judgment by operation of law.

Driver's license suspension

- Under **W.S. 20-6-111(f)**, the department may determine that a driver's license suspension may be better achieved through an administrative suspension if the obligor owes more than two thousand five hundred dollars (\$2,500.00) in unpaid child support and the obligor has not made a full monthly child support payment either voluntarily or through income withholding for a period of at least ninety (90) consecutive days prior to the determination.

Notice to payor

- Under **W.S. 20-6-210**, the notice to payor shall be prepared and the original notice filed with the clerk. A copy of the notice shall be mailed or served pursuant to W.S. 20-6-203 to the payor and to the obligor. Notice to the payor also may be served by delivering a copy by electronic means if consented to by the payor.

Uniform Interstate Family Support Act

- Under **W.S. 20-4-201** and **20-4-213**, recognition, registration and cooperation is provided in

issuing, modifying and enforcing family support and modification orders and determinations of parentage of children involving parties that live in foreign countries.

Abatements

- Under **W.S. 20-2-305(a)**, unless otherwise ordered by the court, child support shall abate by one-half ($\frac{1}{2}$) of the daily support obligation for each day the noncustodial parent has physical custody of the child for whom support is due, provided that the noncustodial parent has custody of the child for fifteen (15) or more consecutive days. For the purposes of computing abatement and determining whether the noncustodial parent has met the consecutive day requirement of this subsection, overnight and weekend visits with the custodial parent during the period for which abatement is claimed shall be disregarded.
- Under **W.S. 20-2-305(b)**, the noncustodial parent shall file any claim for child support abatement with the clerk of the court within thirty (30) days after the period for which abatement is claimed and shall pay to the clerk the sum of ten dollars (\$10.00). The clerk shall mail a copy of the claim to the custodial parent at the address provided to the clerk by the custodial parent.
- Under **W.S. 20-2-305(c)**, the custodial parent shall have the right to object to any claim for abatement made by the noncustodial parent. The custodial parent's right to object shall be limited solely to issues related to the legitimacy or accuracy of the abatement claim. The custodial parent shall file any objection to the abatement claim with the clerk of court within thirty (30) days of the date the clerk mailed the notice of claim for abatement and shall pay to the clerk a fee of ten dollars (\$10.00). The custodial parent may approve the abatement claim prior to the expiration of the thirty (30) day time period for objections by filing notice of immediate approval with the clerk of the court, and no filing fee shall be assessed for filing of such notice of immediate approval. The clerk shall mail a copy of the objection or notice of immediate approval to the noncustodial parent at the address provided to the clerk by that parent.
- Under **W.S. 20-2-305(d)**, claims, objections or responses not timely filed or not accompanied by the requisite fee are barred without further order of the court.
- Under **W.S. 20-2-305(e)**, the clerk shall notify the court of claims and objections not barred and of any arrearage owed by the noncustodial parent, and the court shall promptly resolve the differences, with or without a hearing, and prepare and file an appropriate order.
- Under **W.S. 20-2-305(f)**, abatement amounts shall be applied to any current child support due and then to any arrearage balance owed to the custodial parent for past-due child support. If there is no arrearage and no objection was filed within the thirty (30) day period for objections, or if there is no arrearage and a notice of immediate approval was filed prior to the expiration of the thirty (30) day period for objections, the abatement amount shall be reduced from the next scheduled payment of child support.
- Under **W.S. 20-2-305(g)**, in all cases in which the custodial parent has filed an objection to a claim for abatement within the thirty (30) day time period, the noncustodial parent shall have

the right to respond to the objection. The noncustodial parent's right to respond to the objection shall be limited solely to issues raised in the objection. The noncustodial parent shall file any response with the clerk of the court within fifteen (15) days of the date the clerk mailed the objection to the noncustodial parent, and no filing fee shall be assessed. The clerk shall mail a copy of the response to the custodial parent at the address provided to the clerk by the custodial parent. The court shall fully consider the abatement claim of the noncustodial parent regardless of whether a response to the objection was filed.

- Under **W.S. 20-2-305(h)**, for purposes of this section, “weekend” means any two (2) consecutive days, except if a legal holiday precedes or follows the days constituting a weekend under this section the weekend shall consist of three (3) days.

Domestic Violence

Confidentiality (New Section-Cross Referenced in Violence against Women, Name Change, and Juvenile Law)

- If a victim of domestic abuse has pursued a confidentiality order or any other court order allowing a party to maintain confidentiality of addresses or other information identifying the residence of the victim of domestic abuse, the address and city or state of residence and other information identifying the residence of the victim of domestic abuse and any child residing with the victim of domestic abuse shall remain confidential in any court proceedings under **W.S. 14-3-441**.
- Under **W.S. 35-21-112(a)**, the confidentiality of the address, city and state of residence or any other information identifying the residence of a victim of domestic abuse shall remain confidential as provided in this section.
- Under **W.S. 35-21-112(b)**, the victim of domestic abuse may at any point during the court proceedings file a motion with the court for entry of an order providing for the confidentiality of the address, city and state of residence or any other information identifying the residence of the victim of domestic abuse and any children residing with the victim of domestic abuse during the court proceedings. The motion may be accompanied with all relevant affidavits or documents to establish that the person requesting confidentiality is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.
- Under **W.S. 35-21-112(c)**, upon a filing of a motion according to subsection (b) of this section, the court shall issue an order prohibiting the release of the address, city and state of residence and any other information identifying the residence of a person if:
 - (i) The person filing the motion has been granted an order of protection under this act or similar act in another state or territory of the United States and the order of protection remains in effect; or
 - (ii) The court finds by a preponderance of the evidence that the person is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.

- Under **W.S. 35-21-112(d)**, An order issued under this section shall only provide confidentiality in the action in which it is granted and for those additional purposes specified by law referencing an order issued pursuant to this section.
- *Name Change*: under **W.S. 1-25-101**, every person desiring to change his name may petition the district court of the county of the petitioner's residence for the desired change. The petition shall be verified by affidavit setting forth the petitioner's full name, the name desired, a concise statement of the reason for the desired change, the place of his birth, his place of residence and the length of time he has been an actual bona fide resident of the county in which the petition is filed. If the court is satisfied that the desired change is proper and not detrimental to the interests of any other person, it shall order the change to be made, and record the proceedings in the records of the court. In the event a confidentiality order has been entered pursuant to W.S.35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other identifying information, the address, city or state of residence or other identifying information of the party shall remain confidential.
- Under **W.S. 1-25-103**, except in a proceeding in which the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other identifying information, public notice of the petition for a change of name shall be given in the same manner as service by publication upon nonresidents in civil actions.

Visitation (Confidentiality-Cross Referenced with Violence Against Women & Juvenile Law)

- Under **W.S. 20-2-202(a)**, the court may order visitation it deems in the best interests of each child and the court shall:
 - (iii) Require either parent who plans to change their home city or state of residence, to give written notice thirty (30) days prior to the move, both to the other parent and to the clerk of district court stating the date and destination of the move. In the event a confidentiality order has been entered pursuant to W.S.35-21-112 or any other court order allowing a party to maintain confidentiality of addresses or other identifying the residence of the victim of domestic abuse shall remain confidential.
- Under **W.S. 20-2-309(b)**, all child support orders shall be accompanied by a confidential statement that contains the names, addresses, dates of birth, places of birth and social security numbers of each party and each child to whom the order relates and the names and addresses of each party's employer. Except as provided in subsection (h) of this section, the confidential statement may be inspected by:
 - (h) The confidential statement required pursuant to subsection (b) of this section shall not be inspected or further released except as provided in this subsection if the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence of other information identifying the residence of the victim of domestic abuse. The court may release the confidential statement required under subsection (b) of this section to the department of family services to the extent necessary to enforce the Child Support Enforcement Act and the Uniform Interstate Family Support Act provided:

- (i) The department releases information protected by a confidentiality order only to governmental agencies or courts of competent jurisdiction and does not release information protected by the confidentiality order to the opposing party or attorneys representing or employed by the opposing party
 - (ii) The department shall exclude or redact information protected by a confidentiality order from information provided under this subsection to the greatest extent possible in conformance with the Child Support Enforcement Act and the Uniform Interstate Family Support Act;
 - (iii) The department shall provide written notice to parties receiving information protected by a confidentiality order from the department stating that the information is protected by a confidentiality order and shall only be disseminated by the receiving party to the extent necessary to comply with the Child Support Enforcement Act and the Uniform Interstate Family Support Act.
- Under **W.S. 20-5-309(a)**, subject to a confidentiality order entered pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses or other identifying information or other law providing for the confidentiality of procedures, addresses and other identifying information, in a child custody proceeding each party in its first pleading or in an attached affidavit shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five (5) years and the names and present addresses of the persons with whom the child has lived during that period.

Termination of Parental Rights (New Section-Cross Referenced in Juvenile Law)

- Under **W.S. 14-2-309(c)**, when terminating parental rights, no effort to preserve and reunify the family if any one (1) or more of the following has happened by clear and convincing evidence:
 - (ii) The parent abandoned, chronically abused or sexually abused the child;
 - (iii) The parent has been convicted of committing one (1) or more of the following crimes against the child or another child that parent:
 - (A) Sexual assault under W.S. 6-2-302 through 6-2-304;
 - (b) Sexual battery under W.S. 6-2-313;
 - (C) Sexual abuse of a minor under 6-2-314 through 6-2-317.
 - (iv) The parent is required to register as a sex offender pursuant to W.S. 7-19-302 if the offense involved the child of another child of that parent. This shall not apply if the parent is only required to register for conviction under W.S. 6-2-201.
 - (v) Other aggravating circumstances exist indicating that there is little likelihood that services to the family will result in successful reunification.

Definitions used in the Child Protection Act

In Wyoming, “another planned permanent living arrangement” means a permanency plan other than reunification, adoption, legal guardianship or placement with a fit and proper relative. **W.S. 14-3-402(a)(xxiv)**.

Where parental rights have been terminated:

- Under **W.S. 14-3-431(j)**, at the permanency hearing, the department of family services shall present to the court:
 - (i) Efforts made to:
 - (A) Effectuate the permanency plan for the child, address the options for the child’s permanent placement, examine the reasons for excluding other permanency options and set forth the proposed plan to carry out the placement decision, including specific times for achieving the permanency plan; and
 - (B) Ensure the child be provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104.
 - (ii) If the permanency plan is classified as another planned permanent living arrangement:
 - (A) A compelling reason for establishing another planned permanent living arrangement; and
 - (B) Documentation of the ongoing and unsuccessful efforts to return the child home, place the child for adoption or with a legal guardian or a fit and willing relative for purposes of guardianship or adoption, including evidence of efforts to use social media or other search technology to find biological family members for the child.
- Under **W.S. 14-3-431(k)**, at the permanency hearing, the court shall:
 - (i) Determine whether the permanency plan is in the best interest of the child and whether the department of family services has made reasonable efforts to finalize the plan;
 - (ii) Order the department of family services to take any additional steps necessary to effectuate the terms of the permanency plan;
 - (iii) Ask the child about his desired permanency outcome if it is determined that the child should be present at the hearing;
 - (iv) Ask the child’s guardian ad litem or other legal representative about the child’s desired permanency outcome if it is determined inappropriate for the child to be present at the hearing;
 - (v) If the permanency plan is classified as another planned permanent living arrangement:

- (A) Make a judicial determination and explain why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child; and
 - (B) Provide reasons why it continues not to be in the best interest of the child to return home or be placed for adoption or with a legal guardian or a fit and willing relative for purposes of guardianship or adoption.
- (vi) Require that the child be provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104.

Resources

Legal Resources

UW Family and Child Legal Advocacy Clinic (formerly known as UW DV Legal Assistance Project)

Dept. 3010
 1000 E. University Ave.
 Laramie, WY 82071
 Phone: 307-766-3747
 Fax: 307-766-3681
 Email: dvlap@uwyo.edu

Wyoming Coalition Against Domestic Violence and Sexual Assault

710 E. Garfield Street, Suite 218
 PO Box 236
 Laramie, WY 82073
www.wyomingdvsa.org
 Email: info@wyomingdvsa.org
 Phone: 307-755-5481 Legal Assistance for Victims (307)755-0992
 Fax: 307-755-5482

Wyoming State Bar Pro Bono

Attorney Referral Services

4124 Laramie Street, PO Box 109
Cheyenne, WY 82003
Phone: 307-632-9061
Fax: 307-632-3737

University of Wyoming Civil Legal Services Clinic

Dept. 3010
1000 E. University Ave.
Laramie, WY 82071
Phone: 307-766-2104
Fax: 307-766-4823

**Equal Justice Wyoming
Cheyenne Office**

211 West 19th Street, Ste. 300
Cheyenne, WY 82001
307-432-0807
1-877-432-9955 Toll free

**Legal Aid of Wyoming
Casper Office**

159 N Wolcott St., Ste. 100
Casper, WY 82601
Phone: 1-877-432-9827
Fax: 307-232-9830

Lander Office

420 Lincoln Street
Lander, WY 82520
Phone: 1-877-432-9955
Fax: 307-332-3544

Rock Springs Branch Office

725 C. Street
Rock Springs, WY 82901
(307) 459-5764
Fax: (307) 316-0627

Gillette Branch Office

114 4J Road
Gillette, WY 82716
(307) 459-5765
Fax: (307) 333-0431

Child Support Enforcement Services Offices

Albany: Child Support and Social Service

(307) 742-2026 or 800-742-3096
1771 Centennial Drive, Unit 210
Laramie 82070

Big Horn: Child Support Services

(307) 568-9329 or 800-871-9165
415 W. "C" St
PO Box 327
Basin 82410

Campbell: Child Support Services

(307) 687-1501 or 800-360-5220
501 Running W. Drive
Gillette 82718

Carbon: Child Support and Social Service

(307) 742-2026 or 800-742-3096
1771 Centennial Drive, Unit 210
Laramie, 82070

Converse: Child Support and Service Office

(307) 358-0947 or 866-280-3719
1954 Richards, Madora Plaza Ste. 3
PO Box 169
Douglas 82633

Crook: Child Support Services

(307) 283-1515
501 Running W. Drive,
Gillette, WY 82718.

Fremont: Child Support Services

(307) 332-6380 or 800-996-6045
895 Main Street

PO Box 549
Lander 82520

Goshen: Child Support Services

(307) 358-0947 or 866-280-3719
1954 Richards, Madora Plaza Ste. 3
PO Box 169
Douglas, WY 82633

Hot Springs

(307) 527-8840 or 800-565-3224
1002 Sheridan Ave.
Cody, WY 82414

Johnson: Child Support Enforcement

(307) 672-2599 or 800-565-4502
224 S. Main, 1st Floor
Sheridan, WY 82801

Laramie: DFS

(307) 635-3365 or 800-742-3092
2015 Carey Ave.
Cheyenne, WY 82001

Lincoln: DFS

(307) 875-4725 or 800-742-3098
140 Commerce Drive, Ste. F
Green River, WY 82935

Natrona: Victim Response Unit

(307) 235-9229 or 800-292-3219
5th Floor
Hall of Justice
201 N. David
PO Box 2539
Casper, WY 82601

Niobrara

(307) 358-0947 or 866-280-3719
1954 Richards, Madora Plaza Ste. 3
PO Box 169
Douglas, WY 82633

Park

(307) 527-8840 or 800-565-3224
1002 Sheridan Ave. Cody, WY 82414

Platte

(307) 358-0947 or 866-280-3719
1954 Richards, Madora Plaza Ste. 3
PO Box 169
Douglas, WY 82633

Sheridan

(307) 672-2599 or 800-565-4502
224 S. Main, 1st Floor
Sheridan, WY 82801

Sweetwater: DFS

(307) 875-4725 or 800-742-3098
140 Commerce Drive, Ste. F
Green River, WY 82935

Sublette

(307) 332-6380 or 800-996-6045
895 Main Street
PO Box 549
Lander, WY 82520

Teton

(307) 332-6380 or 800-996-6045
895 Main Street
PO Box 549
Lander, WY 82520

Uinta

(307) 875-4725 or 800-742-3098
140 Commerce Drive, Ste. F
Green River, WY 82935

Washakie: Child Support Services

(307) 347-8927 or 800-432-1675
119 South 9th St.
PO Box 227
Worland, WY 82401

Weston: Child Support Authority

(307) 746-2311

723 B Washington
Newcastle, WY 82701

Northern Arapaho

(307) 857-2436
325 Lefthand Ditch Road. Unit 9179
Arapahoe, WY 82510

Eastern Shoshone

(307) 335-8371
PO Box 1573
Fort Washakie, WY 82514

Wyoming Children’s Law Center

453 N. 6th St., Laramie, WY 82072
Phone:(307) 632-3614
<http://wyoclc.org/contact-us.html>

GOVERNMENTAL BENEFITS..... 52

According to **W.S. 42-1-101**, “Department” means the department of family services unless otherwise specified and the department of health shall administer a state social security income program, but the monthly payment will come out of the department of family services biennial budget appropriation.

According to **W.S. 42-2-101**, also known as the “Wyoming Public Assistance and Social Services Act,” “Department” means the department of health unless otherwise.

According to **W.S. 42-4-106(a)**, a Wyoming resident may apply to medical assistance by filing an application by telephone, mail, in person at the Eligibility Customer Service Center in Cheyenne, on the eligibility internet site or at a department of family services field office.

Food Stamps

Did you know that for every five people that are eligible for SNAP in Wyoming, only three are receiving benefits? The Wyoming SNAP is taking the necessary steps to reach all people that meet the 130 percent poverty level, by reaching out to all potential individuals and families. SNAP, under the Department of Family Services (DFS), provides crucial support to needy households and to those making the transition from welfare to work. Our mission is to raise the levels of nutrition among low-income

households, and provide them more nutritious foods for a better diet. SNAP follows regulations and rules established by the Federal government and the Food Stamp (SNAP) Act of 1977 as the basis for the present day program.

General Program Requirements

In order to qualify for this benefit program, you must be a resident of the state of Wyoming and fall into one of two groups: (1) those with a current bank balance (savings and checking combined) under \$2,001, or (2) those with a current bank balance (savings and checking combined) under \$3,001 who share their household with a person or persons age 60 and over, or with a person with a disability (a child, your spouse, a parent, or yourself). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) limits the receipt of SNAP benefits to three months in a three-year period for able-bodied adults without dependents (ABAWDs) who are not working, participating in, and complying with the requirements of a work program for 20 hours or more each week, or a workfare program. Individuals are exempt from this provision if they are: under 18 or 50 years of age or older; responsible for the care of a child or incapacitated household member; medically certified as physically or mentally unfit for employment; pregnant; or already exempt from the work requirements of the Food Stamp Act.

In order to qualify, you must have an annual household income (before taxes) that is below the following amounts:

Household Size*	Maximum Income Level (Per Year)
1	\$19,256
2	\$25,955
3	\$32,654
4	\$39,353
5	\$46,052
6	\$52,751
7	\$59,450
8	\$66,149

*For households with more than eight people, add \$6,699 per additional person.

Please see the following websites for more information:

- <http://www.benefits.gov/benefits/benefit-details/1380>
- <https://sites.google.com/a/wyo.gov/dfsweb/>

Food Stamps

The Food Stamp Program is now known as Supplemental Nutrition Assistance Program (SNAP).

For a SNAP application, visit:

- <http://dfsweb.wyo.gov/economic-assistance/snap>, scroll to the middle of the page and click on the link to download the application

List of local SNAP offices, visit:

- <http://dfsweb.state.wy.us/dfs/dfs-in-your-community.html>
 - Look for this language on the right hand side of the page and click on the “contact the field office”:

For help connecting to community resources or applying for programs, including SNAP (**food stamps**), LIAP (**home heating help**) and Medicaid, **contact the field office** in your community

To find out if you are eligible to receive SNAP, visit:

- <http://www.snap-step1.usda.gov/fns/>

WIC (Women, Infant, Children)

For WIC eligibility, visit:

- <http://www.fns.usda.gov/wic/howtoapply/>

WIC of Wyoming:

- <http://health.wyo.gov/familyhealth/wic/index.html>

Local WIC Offices in Wyoming:

NATRONA COUNTY WIC OFFICE

740 Luker Lane

Evansville, WY 82636 (physical)

Phone (307) 265-6408

Hours: Monday – Friday 8:00 am to 5:00 pm

LARAMIE COUNTY WIC OFFICE

1307 Crook Avenue

Cheyenne, WY 82001

Phone (307) 634-6180

Hours: Monday – Thursday 8:00 am to 6:30 pm

Friday 8:00 am to 5:00 pm

F.E. WARREN WIC OFFICE

7100 Saber Road

Building 1284

F.E. Warren AFB, WY 82005

Phone (307) 773-3963

Hours: Tuesday – Thursday 8:00 am to 5:00 pm

SHERIDAN COUNTY WIC OFFICE

1309 Coffeen, Suite A

Sheridan, WY 82801

Phone (307) 672-5174

Hours: Monday – Thursday 8:00 am to 5:00 pm, Friday by appointment only

Outreach site:

Buffalo - 963 Fort Street, Door #6

Buffalo, WY 82834

Phone (307) 217-0750 cell

Hours: Monday 9:00 am to 3:00 pm

SWEETWATER COUNTY WIC OFFICE

2620 Commercial Way, Suite 40

Rock Springs, WY 82901

Phone (307) 352-6783

Hours: Monday – Thursday 8:00 am to 5:00 pm

Friday by Appointment Only

ALBANY COUNTY WIC OFFICE

609 South 2nd

Laramie, WY 82070

Phone (307) 721-2535

Hours: Monday & Thursday 8:00 am to 5:00 pm

Tuesday 8:00 am to 6:00 pm

Wednesday 8:00 am to 4:00 pm

CARBON COUNTY WIC OFFICE

Carbon Building, Room 384

215 West Buffalo

Rawlins, WY 82301

Phone (307) 328-2606

Hours: Tuesday – Thursday 8:00 am to 5:00 pm

Outreach sites:

Saratoga - Carbon County PHN Service

201 South River

Saratoga, WY 82331

Phone (307) 326-5371

Hours: Call the Carbon County WIC office at 307-328-2606 for schedule

Hanna - 2021 Beryl Court

Hanna, WY 82327
Phone (307) 325-9054
Hours: Call the Carbon County WIC office at 307-328-2606 for schedule

GOSHEN COUNTY WIC OFFICE

2025 Campbell Drive #2
Torrington, WY 82240
Phone (307) 532-5881
Hours: Tuesday – Thursday 8:00 am to 5:00 pm

Outreach site:

Lusk - NIOBRARA COUNTY WIC OFFICE
611 E. 6th Street
Lusk, WY 82225
Phone (307) 334-2609
Hours: 1st Wednesday of every month 9:00am to 4:00 pm

PLATTE COUNTY WIC

851 Spruce Street
Wheatland, WY 82201
Phone (307) 322-3732
Hours: Monday 8:00 am to 4:00 pm
Tuesday 8:00 am to 5:00 pm

FREMONT COUNTY WIC OFFICE – RIVERTON

877 North 8th West
Suite 6 (Energy Building)
Riverton, WY 82501
Phone (307) 857-3199
Hours: Tuesday (occasionally), Wednesday & Thursday 8:00 am to 5:00 pm

FREMONT COUNTY WIC OFFICE – LANDER

450 N 2ND Street, Room 160
Lander, WY 82520
(307) 332-1034
Hours: Monday & Tuesday 8:00 am to 4:00 pm

PARK-BIG HORN COUNTY WIC OFFICE

109 West 14th
Powell, WY 82435
Phone 866-655-4348 or (307) 754-8880
Hours: Monday, Tuesday & Friday 8:00 am to 5:00 pm

Outreach sites:

Cody - Park County PHN Service
Courthouse
1002 Sheridan Avenue
Cody, WY 82414
Phone (307) 527-8580
Hours: Tuesdays (occasionally) & Thursday 9:00 am to 4:00 pm

Lovell - Big Horn County WIC
757 Great Western
Lovell, WY 82431
Phone (307) 548-6591
Hours: Wednesday 9:00 am to 4:00 pm

CONVERSE COUNTY WIC OFFICE

Gantre Building
117 South 2nd #2
Douglas, WY 82633
Phone (307) 358-4003
Hours: Wednesday 8:00 am to 5:00 pm
Thursday 8:00 am to 12:00 pm

Outreach Site:

Glenrock - 925 W. Birch
Glenrock, WY 82637
Phone (307) 436-9068 (Glenrock Health Center)
Hours: 3rd Thursday of each month 9:00 am to 4:00 pm

CAMPBELL COUNTY WIC OFFICE

2301 South 4-J
Gillette, WY 82718
Phone (307) 686-8560
Hours: Monday – Friday 8:00 am to 5:00 pm

UINTA COUNTY WIC OFFICE

350 City View Drive

Suite 100
Evanston, WY 82930
(307) 789-8943

Hours: Monday, Wednesday & Friday 8:00 am to 5:00 pm

Outreach Site:

Lyman - Uinta County WIC
128 East Owen
Lyman, WY 82937
Phone (307) 787-3435

Hours: 2nd & 4th Thursday of the month. By appointment only.

Kemmerer- Kemmerer WIC
1100 Pine, Ste. 1-F
Kemmerer, WY 83101
Phone (307) 877-1195

Hours: 1st Tuesday of the month. By appointment only.

WASHAKIE COUNTY WIC OFFICE

2010 Robertson Avenue
Worland, WY 82401
Phone (307) 347-9249

Hours: Wednesday 8:00 am to 5:00 pm
Monday, Tuesday, and Thursday by appointment only

Outreach Sites:

Thermopolis - Hot Springs County PHN
117 North 4th Street
Thermopolis, WY 82443
Phone (307) 864-3311

Hours: 2nd & 4th Tuesday of the month 9:00 am to 4:00 pm

Greybull - Big Horn County Public Health
417 South 2nd Street
Greybull, WY 82426
Phone (307) 765-2371 (PHN #) or (307) 765-4454

Hours: Every Thursday of the month except for the 5th Thursday
9:00 am to 4:00 pm

WESTON COUNTY WIC OFFICE

400 Stampede St., Ste. A
Newcastle, WY 82701
Phone (307) 746-2677
Hours: Wednesday & Thursday 9:00 am to 3:00 pm

Outreach Sites:

Upton - Weston County Children's Center
629 Sheridan
Upton, WY 82730
Phone (307) 290-2105 cell
Hours: 2nd Thursday of even months 9:00 am to 1:00 pm

Sundance - Crook County PHN Service
420 1/2 East Main Street
Sundance, WY 82729
Phone (307) 290-2105
Hours: 1st Thursday of each month 9:00 am to 1:30 pm

Hulett - Greater Hulett Community Center
401 Sager Street
Hulett, WY 82720
Phone (307) 290-2105
Hours: 2nd Thursday of odd months 9:30 am to 1:00 pm

TETON COUNTY WIC OFFICE – JACKSON

Teton County WIC
460 East Pearl
Suite 3
Jackson, WY 83001
Phone (307) 734-1060
Hours: Monday – Thursday 8:00 am to 5:00 pm

Outreach Site:

Please note outreach site offices may open late or close early due to inclement weather or adverse travel conditions.

Pinedale - Sublette Public Health Nursing Office
619 East Hennick (In the Pinedale Medical Clinic Complex)
Pinedale, WY 82941
Phone - (307) 734-1060

Hours: To make an appointment call the Teton County WIC Office (307) 734-1060

Marbleton - Marbleton Senior Center
429 East 1st Street
Marbleton, WY 83113
Phone - (307) 690-9604 (day of clinic only)

Hours: To make an appointment call the Teton County WIC Office (307) 734-1060

NORTH LINCOLN COUNTY WIC OFFICE

350 South Washington, #8

Afton, WY 83110

Phone (307) 885-9071

Hours: Tuesday & Wednesday 8:00 am to 5:00 pm

Personal Opportunities With Employment Responsibilities (POWER)

For more information about POWER, visit:

<https://sites.google.com/a/wyo.gov/dfsweb/economic-assistance/power>

- Important: Failure to comply with a POWER self-sufficiency plan does not disqualify a person from SNAP or medical benefits.

According to **W.S. 42-1-101**, “Department” means the department of family services unless otherwise specified and the department of health shall administer a state social security income program, but the monthly payment will come out of the department of family services biennial budget appropriation.

According to **W.S. 42-2-101**, also known as the “Wyoming Public Assistance and Social Services Act,” “Department” means the department of health unless otherwise.

According to **W.S. 42-4-106(a)**, a Wyoming resident may apply to medical assistance by filing an application by telephone, mail, in person at the Eligibility Customer Service Center in Cheyenne, on the eligibility internet site or at a department of family services field office.

Head Start

For more information about Wyoming Head Start, visit:

- <http://www.uwyo.edu/wind/headstart/>

Wyoming Child and Family Development - Main Office

P. O. Box 100
(fax) centraloffice@wyomingchild.org

106 N. Wyoming St. Casper, WY 82414

Campbell County Head Start

601 Running W Drive
(fax) gillette@wyomingchild.org

Gillette, WY 82718 307-682-1722

Converse County - Douglas Child and Family Development Center

630 Erwin

Douglas, WY 82633 307-358-3958 (fax) douglas@wyomingchild.org

Converse County - Glenrock Early Childhood Center

PO Box 2019
(fax) glenrock@wyomingchild.org

Glenrock, WY 82637 307-825-307

Crook County Head Start

Moorcroft Center
(fax) crook.weston@wyomingchild.org

Moorcroft, WY 82731 307-827-1055

Goshen County - Lincoln Infant Toddler Center

436 East 22nd Ave. Unit C
(fax) lincoln@wyomingchild.org.

Torrington, WY 82240 307-472-4722

Goshen County - Torrington Learning Center

3110 West C Street
(fax) tlc@wyomingchild.org

Torrington, WY 82240 307-464-4641

Natrona County - Early Head Start - Life Steps

EARLY HEAD START – (LIFE STEPS -Do not use LS in Address) 1514 E. 12th #304 - (United State Postal Service mailing address) 1514 E. 12th St. Ste. #304 Building E (Delivery Services) Casper, WY 82601 307-5831 (phone) 307-5848 (fax) lifesteps@wyomingchild.org

Natrona County Early Head Start - Mills

PO Box 2993 Mills, WY 82644
(fax) casperehs@wyomingchild.org

Casper, WY 82604 307-956-4981

Natrona County Head Start

301 West B Casper, WY 82601 307-305-3960 (fax) bst@wyomingchild.org

Niobrara County - Lusk Early Childhood Center

PO Box 1261 804 S 1st Ave Lusk, WY 82225 307-345-1397
(fax) lusk@wyomingchild.org

Platte County - Wheatland Early Childhood Center

PO Box 243 28 Bonaparte Road Wheatland, WY 82201 307-322-1397
(fax) wheatland@wyomingchild.org

Platte County - Guernsey Early Childhood Development Center (GE CDC)

PO Box 160 376 South Kansas Guernsey, WY 82214 307-365-1098
(fax) guernsey@wyomingchild.org

Weston County Head Start

104 Stampede Newcastle, WY 82701 307-302-4214
(fax) crook.weston@wyomingchild.org

Low Income Energy Assistance Program (LIEAP)

For more information on LIEAP and the ability to download an application for services, visit:

- <http://dfsweb.wyo.gov/economic-assistance/lieap>; or
- Call 307-778-3943

School Breakfast and Lunch Program

For additional information about the Wyoming School Breakfast and Lunch Program, visit

- <http://edu.wyoming.gov/beyond-the-classroom/nutrition/school-lunch/>; or
- Call 307-777-6270

Special Milk Program

For more information about the Special Milk Program and to find out if you qualify, visit:

- <http://www.benefits.gov/benefits/benefit-details/1840>; or
- <http://edu.wyoming.gov/beyond-the-classroom/nutrition/special-milk-program/>

- Call 307-777-7168

Summer Food Service

For more information about the Summer Food Service Program, visit:

- <http://edu.wyoming.gov/beyond-the-classroom/nutrition/summer-food/>; or
- Call 307-777-7168

Unemployment Benefits

For more information or to establish your unemployment claim, visit:

- <https://doe.state.wy.us/InetClaims/>

Wyoming Health Council

For more information about the family planning program, contact:

Wyoming Health Council

416 West 24th Street

Cheyenne, WY 82001

Phone: 307-632-3640

Additional Programs

For information about additional health programs, visit:

- <http://www.wyhc.org/index.html>; or
- Call 307-632-3640.

For information about federal health benefits, visit:

- <http://www.benefits.gov/>

HEALTH AND REPRODUCTIVE RIGHTS..... 63

Emergency Detention (New Section-Cross Referenced in Juvenile Section)

- Under **W.S. 25-10-109(f)**, when a person is detained under emergency circumstances, treatment may be given during the emergency detention period if the person voluntarily and knowingly consents. The parent or guardian of a minor or incompetent person may consent to treatment. If the parent or guardian of a minor patient does not consent to treatment, a petition may be filed under the Child Protection Act. Treatment may be given without the consent of the detained person or his parent or guardian when treatment is limited to diagnosis or evaluation or when treatment is necessary to prevent immediate and serious physical harm to the person or others. Prior to treatment, the person shall be fully advised of the scope of treatment, and a report of the treatment shall be filed with the court if involuntary hospitalization proceedings are commenced. An examiner or a physician who provides treatment in good faith pursuant to this subsection shall be immune from civil liability for the treatment except there shall be no immunity from liability for negligent acts or deliberate misconduct.
- Under **W.S. 25-10-109(h)**, when a person is detained in emergency detention and an application for involuntary hospitalization is filed by the county attorney, the court shall appoint an attorney to represent the detained person unless he has his own attorney, and the court shall conduct a hearing within seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays, of the initial detention to determine whether continued detention is required pending involuntary hospitalization proceedings. The county attorney of the county where the application is filed shall appear on behalf of the state at the hearing. Notice of the preliminary hearing shall be given to the county attorney, the detained person and his attorney. The court may delay the hearing only at the request of the detained person or his parent, guardian or his attorney. An emergency detention hearing may be waived at the request of the detained person or the detained person's attorney, except in cases where a licensed physician's assistant was the only examiner for the emergency detention. If an emergency detention hearing has been waived, the court may immediately conduct the involuntary hospitalization hearing, provided that a licensed physician's assistant shall not be the examiner for an involuntary hospitalization hearing.

Involuntary Hospitalization Proceedings

- Under **W.S. 25-10-110(o)**, In proceedings under this section involving a minor, the department shall, to the extent feasible, consult with the minor's parents or legal guardian.

Other Resources

NARAL Pro-Choice America and NARAL Pro-Choice America Foundation

1156 15th Street, NW Suite 700

Washington, DC 20005

Main number: 202.973.3000

Main fax: 202.973.3096

The U.S. Department of Health and Human Services

200 Independence Avenue, S.W.

Washington, D.C. 20201

Toll Free: 1-877-696-6775

naralprochoicewy@netscape.net

Wyoming Title X Clinics:

CASPER

Natrona County Public Health

475 S. Spruce, Casper, WY 82601

Phone: (307) 235-9340

[Visit Our Site](#)

Natrona County Public Health

Casper Community College

125 College Drive

Casper, WY 82601

Phone: (307) 268-2263

CHEYENNE

Cheyenne-Laramie County Health

Department

100 Central Avenue

Cheyenne, WY 82007

Phone: (307) 633-4040

[Visit Our Site](#)

CODY

Northwest Wyoming Family
Planning
1231 Rumsey Avenue, Cody,
WY 82414
Phone: (307) 527-5174
[Visit Our site](#)

EVANSTON

Western Wyoming Family Planning
350 City View, No. 102, Evanston, WY 82930
Phone: (307) 789-9520

GILLETTE

Gillette Reproductive Health
1304 W 4th Street, Gillette, WY 82716
Phone: (307) 682-8110

GREYBULL

Washakie Family Planning
417 South 2nd
Greybull, WY 82426
Phone: (800) 870-2249

JACKSON

Western Wyoming Family Planning
1490 Gregory Lane #2, Jackson, WY 83002
Phone: (307) 732-1694

LANDER

Fremont County Family Planning
450 North 2nd, Room 160, Lander,
WY 82520
Phone: (307) 332-1073

LARAMIE

Laramie Reproductive Health
413 S. 21st Street
Laramie, WY 82072
Phone: (307) 745-5364
[Visit Our Site](#)

LYMAN

Western Wyoming Family Planning
128 East Owen, Lyman, WY 82937
Phone: (800) 789-9520

POWELL

Northwest Wyoming Family Planning
246 N. Hamilton, Powell, WY 82435
Phone: (307) 754-5023

RAWLINS

Western Wyoming Family Planning
617 West Pine, Rawlins, WY 82301
Phone: (307) 324-9395

RIVERTON

Fremont County Family Planning
325 West Main, Suite D, Riverton, WY 82501
Phone: (307) 856-7212

ROCK SPRINGS

Western Wyoming Family Planning
809 Thompson, Suite A, Rock Springs, WY 82901
Phone: (307) 362-6813
[Visit Our Site](#)

SHERIDAN

Family Planning of the Big Horns
128 South Thurmond, Sheridan, WY 82801
Phone: (307) 672-7054

THERMOPOLIS

Washakie Family Planning
141 Pioneer Drive, Rm. #57, Thermopolis, WY 82443
Phone: (307) 864-4679
(800) 870-2249

WORLAND

Washakie Family Planning
1007 Robertson Ave, Worland, WY 82401
Phone: (307) 347-3866
(800) 870-2249

Non-Title X Clinics

BUFFALO

Johnson County Public Health Family Planning
85 Klondike Drive
Buffalo, WY 82834

CASPER

Natrona County Public Health
Phone: 307-577-9757

KAYCEE

Phone: 307-738-2360

HOUSING & PROPERTY RIGHTS..... 68

Wyoming Fair Housing Act

Under **W.S. 40-26-403**, a person may not discriminate in a property sale or rental against another person based on race, color, sex, disability, familial status or national origin. As of yet no local organization has been designated to handle complaints in state. If you have a complaint or questions contact the Local Federal Housing and Urban Development Office in Denver at (800) 877-7353 or visit, http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination

Fair Housing Act

Mail a complaint form to:

Department of Housing and Urban Development
Room 5204, 451 Seventh St. SW
Washington, DC 20410-2000
Phone: 1 (800) 669-9777

**Health Insurance Portability and Accountability Act of 1996 (HIPPA)
Patient Protections**

For more information about making a complaint, visit:

- www.hhs.gov/ocr/hipaa; or
- Call 1-877-696-6775

Financial Assistance for Health Insurance

Help is available for certain low-income residents of Wyoming who cannot afford to buy health insurance. For more information, visit:

- <http://healthinsuranceinfo.net/getinsured/wyoming/>
- <http://www.health.wyo.gov/default.aspx>

Wyoming Kid Care (CHIP) Program

For more information about CHIP, visit:

- <http://www.health.wyo.gov/healthcarefin/chip/index.html>

According **W.S. 35-25-102(a)(iv)**, dental is an additional form of care included in the definition of “private health insurance.”

According **W.S. 35-25-104**, the benefit package a child shall receive shall conform to the minimum requirements under the Affordable Care Act. 42 U.S.C. § 18022(B).

According **W.S. 35-25-107(a)**, the department may consider cost containment actions having no adverse effect on eligibility standards, methods and procedures.

According **W.S. 35-25-107(b)**, the funding for the child health insurance program shall be included within the division of health care financing line item within the department of health budget.

Medicare

For more information about Medicare, visit:

- <http://www.medicare.gov/default.aspx>
- <http://www.wyomingmedicare.com/>

Medicaid

- According to **W.S. 42-4-103(c)**, the department may apply for any applicable waivers or permissions to allow exceptions to federal conflict free case management definitions for frontier and rural areas, which to the extent consistent with federal law, shall implement a system using a neutral third party to ensure no conflicts exists. When trying to obtain a waiver, the department must get approved by the Medicare and Medicaid services and:
 - (i) Allow an individual or agency to provide case management and direct services to discrete clients if the services are provided under conflict free circumstances;
 - (ii) When implementing updated case manager educational standards, provide for a three (3) year transition period and allow credit for prior case manager experience.

For more information about Medicaid, visit:

- <http://health.wyo.gov/healthcarefin/equalitycare/index.html>

Affordable Care Act:

- The Affordable Care Act is a federally-mandated health care and health insurance law. Wyoming citizens and employers are impacted by this law. Wyoming opposed the Affordable Care Act, and joined other states in a lawsuit to have the law overturned. The United States Supreme Court has upheld the law, and the Affordable Care Act will be implemented in Wyoming and across the country.
- **Is The Affordable Care Act (ACA) Now Law?**
 - Yes. On June 28, 2012, the U.S. Supreme Court issued its ruling, which upheld the individual mandate as a constitutional exercise of Congress's authority to tax. The Court struck down the penalties that could be imposed upon states that did not expand their Medicaid programs to adults. This decision is interpreted as making the ACA Medicaid expansion optional for states, although coverage for groups already eligible for Medicaid will still be mandatory.
- **What Is The Impact of the ACA on Wyoming Medicaid?**
 - While some details are still unknown, the ACA will impact Wyoming whether it decides to opt-in to the Medicaid expansion, or not. *Starting in 2014, all people will be required to have health insurance*, so public insurance plans such as Medicaid will see an increase in the number of adult and child enrollees as people who have always been eligible come out of the 'woodwork.' The best estimate for Wyoming at this time is that 10,600 people will enroll due to the ACA.
- **What is the Optional Expansion of Medicaid?**
 - The Optional Expansion is related to low-income adults not currently eligible for Medicaid who earn less than 133% of the Federal Poverty Level. These adults could

become eligible in 2014 if Wyoming decides to participate in the Expansion. Best estimates¹ for Wyoming at this time indicate that 17,600 additional people would enroll in Medicaid if it were expanded. Services for this Expansion group would be reimbursed via federal match at 100% from 2014-16, and then step down to 90% by the year 2020, reducing the burden on Wyoming’s state funds.

- **Benefits to Expanding Medicaid?**
 - **Yes.** The two primary benefits include a decrease in the number of uninsured Wyoming residents (approximately 83,000 people), and a decrease in the approximately \$200 million dollars of uncompensated care that hospitals experience each year as they serve the uninsured. Other benefits include a positive impact on Wyoming’s economy via increased federal funding, and the potential for increased local healthcare employment opportunities.

For more information about the Affordable Care Act visit:

- <https://www.healthcare.gov/marketplace/b/welcome/>
- <http://doi.wyo.gov/consumers/types-of-insurance/health-insurance/affordable-care-act>

NAME CHANGES..... 87

Confidentiality (New Section-Cross Referenced in Criminal Law, Violence against women and Name Change)

- If a victim of domestic abuse has pursued a confidentiality order or any other court order allowing a party to maintain confidentiality of addresses or other information identifying the residence of the victim of domestic abuse, the address and city or state of residence and other information identifying the residence of the victim of domestic abuse and any child residing with the victim of domestic abuse shall remain confidential in any court proceedings under **W.S. 14-3-441**.
- Under **W.S. 35-21-112(a)**, the confidentiality of the address, city and state of residence or any other information identifying the residence of a victim of domestic abuse shall remain confidential as provided in this section.
- Under **W.S. 35-21-112(b)**, the victim of domestic abuse may at any point during the court proceedings file a motion with the court for entry of an order providing for the confidentiality of the address, city and state of residence or any other information identifying the residence of the victim of domestic abuse and any children residing with the victim of domestic abuse during the court proceedings. The motion may be accompanied with all relevant affidavits or documents to establish that the person requesting confidentiality is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.
- Under **W.S. 35-21-112(c)**, upon a filing of a motion according to subsection (b) of this section, the court shall issue an order prohibiting the release of the address, city and state of residence and any other information identifying the residence of a person if:

- (i) The person filing the motion has been granted an order of protection under this act or similar act in another state or territory of the United States and the order of protection remains in effect; or
- (ii) The court finds by a preponderance of the evidence that the person is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.
- Under **W.S. 35-21-112(d)**, An order issued under this section shall only provide confidentiality in the action in which it is granted and for those additional purposes specified by law referencing an order issued pursuant to this section.
- *Name Change*: under **W.S. 1-25-101**, every person desiring to change his name may petition the district court of the county of the petitioner's residence for the desired change. The petition shall be verified by affidavit setting forth the petitioner's full name, the name desired, a concise statement of the reason for the desired change, the place of his birth, his place of residence and the length of time he has been an actual bona fide resident of the county in which the petition is filed. If the court is satisfied that the desired change is proper and not detrimental to the interests of any other person, it shall order the change to be made, and record the proceedings in the records of the court. In the event a confidentiality order has been entered pursuant to W.S.35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other identifying information, the address, city or state of residence or other identifying information of the party shall remain confidential.
- Under **W.S. 1-25-103**, except in a proceeding in which the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other identifying information, public notice of the petition for a change of name shall be given in the same manner as service by publication upon nonresidents in civil actions.

For information about changing your name, visit:

- http://www.courts.state.wy.us/LawLibrary/name_change.aspx

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Affordable Care Act Tax Provisions for Individuals and Families

“The Affordable Care Act (“ACA”) went into effect on January 1, 2014 and requires that all parents must provide health insurance coverage for themselves and for their children. Failure to maintain health insurance for yourself and your children will result in having to pay a penalty to the IRS. The ACA has provisions that affect how divorced or separated parents provide health insurance for their children. The ACA provides that the parent who claims the child as a dependent on their federal income tax return is the one required to provide proof of health insurance coverage to the IRS when the tax return is filed. The responsibility of reporting the health care coverage for the child cannot be assigned by a court order or divorce decree. For example, if you are the custodial parent with the tax deduction for your children and the non-custodial parent is ordered to pay for health insurance for the kids, the custodial parent remains liable to the IRS to show proof of insurance coverage or pay a penalty. If the

non-custodial parent has not complied with the court order and has failed to provide the insurance, the custodial parent claiming the deduction for the children will still be the one to pay the penalty.

The ACA may create the possibility for problems among parents where cooperation and communication is difficult if the dependency exemption switches between parents from year to year or the non-insuring parent always claims the children as an exemption. The parent with the dependency exemption may find it difficult to provide proof of insurance to the IRS because the other parent carries the health insurance and refuses to provide that proof. In high-conflict relationships between separated or divorced parents the issues of medical insurance coverage and tax penalties could drive them back to court.

The law does provide a mechanism for individuals to file for an exemption from having to provide insurance for various reasons such as religious reasons, incarceration of the parent who was providing health coverage, if coverage is deemed “unaffordable” or for some other hardship under the law. Parents who are currently in the divorce process may need to have an order or agreement that the person who covers health insurance be ordered to provide proof of insurance or reimburse the custodial parent for penalties incurred from the IRS for failure to provide proof of insurance. Parents should seek advice from their tax preparer, accountant or CPA when preparing their taxes.” (Posted by Attorney Cathy Shanellaris on June 25, 2014 in Child Support, Family Law, available at <http://sandslawfirm.com/tax-dependents-affordable-care-act/>)

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Restitution (New Section-Cross Referenced in the Criminal Law)

- Under **W.S. 7-13-301(a)**, if a person who has not previously been convicted of any felony is charged with or is found guilty or pleads no contest to any misdemeanor except any second or subsequent violation of W.S. 31-5-233 or any similar provision of law, or any second or subsequent violation of W.S. 6-2-501(a) or (b) by a household member as defined by W.S. 35-21-192 against any other household member or any similar provisions of law, or any felony except murder, sexual assault in the first or second degree, aggravated assault and batter or arson in the first or second degree, the court may, with the consent of the defendant and the state and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to exceed five (5) years upon terms and conditions set by the court. The terms of probation may include that he:
 - (v) Pay restitution to each victim in accordance with W.S. 7-9-101 and 7-9-103 through 7-9-115

Confidentiality (New Section-Cross Referenced in Family Law, Name Change, and Juvenile Law)

- If a victim of domestic abuse has pursued a confidentiality order or any other court order allowing a party to maintain confidentiality of addresses or other information identifying the

residence of the victim of domestic abuse, the address and city or state of residence and other information identifying the residence of the victim of domestic abuse and any child residing with the victim of domestic abuse shall remain confidential in any court proceedings under **W.S. 14-3-441**.

- Under **W.S. 35-21-112(a)**, the confidentiality of the address, city and state of residence or any other information identifying the residence of a victim of domestic abuse shall remain confidential as provided in this section.
- Under **W.S. 35-21-112(b)**, the victim of domestic abuse may at any point during the court proceedings file a motion with the court for entry of an order providing for the confidentiality of the address, city and state of residence or any other information identifying the residence of the victim of domestic abuse and any children residing with the victim of domestic abuse during the court proceedings. The motion may be accompanied with all relevant affidavits or documents to establish that the person requesting confidentiality is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.
- Under **W.S. 35-21-112(c)**, upon a filing of a motion according to subsection (b) of this section, the court shall issue an order prohibiting the release of the address, city and state of residence and any other information identifying the residence of a person if:
 - (i) The person filing the motion has been granted an order of protection under this act or similar act in another state or territory of the United States and the order of protection remains in effect; or
 - (ii) The court finds by a preponderance of the evidence that the person is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.
- Under **W.S. 35-21-112(d)**, An order issued under this section shall only provide confidentiality in the action in which it is granted and for those additional purposes specified by law referencing an order issued pursuant to this section.
- *Name Change*: under **W.S. 1-25-101**, every person desiring to change his name may petition the district court of the county of the petitioner's residence for the desired change. The petition shall be verified by affidavit setting forth the petitioner's full name, the name desired, a concise statement of the reason for the desired change, the place of his birth, his place of residence and the length of time he has been an actual bona fide resident of the county in which the petition is filed. If the court is satisfied that the desired change is proper and not detrimental to the interests of any other person, it shall order the change to be made, and record the proceedings in the records of the court. In the event a confidentiality order has been entered pursuant to W.S.35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other identifying information, the address, city or state of residence or other identifying information of the party shall remain confidential.
- Under **W.S. 1-25-103**, except in a proceeding in which the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other identifying information, public notice of the petition for a change of name shall be given in the same manner as service by publication upon nonresidents in civil actions.

Visitation (New Section-Cross Referenced with Family Law and Juvenile Law)

- Under **W.S. 20-2-202(a)**, the court may order visitation it deems in the best interests of each child and the court shall:
 - (iii) Require either parent who plans to change their home city or state of residence, to give written notice thirty (30) days prior to the move, both to the other parent and to the clerk of district court stating the date and destination of the move. In the event a confidentiality order has been entered pursuant to W.S.35-21-112 or any other court order allowing a party to maintain confidentiality of addresses or other identifying the residence of the victim of domestic abuse shall remain confidential.

- Under **W.S. 20-2-309(b)**, all child support orders shall be accompanied by a confidential statement that contains the names, addresses, dates of birth, places of birth and social security numbers of each party and each child to whom the order relates and the names and addresses of each party's employer. Except as provided in subsection (h) of this section, the confidential statement may be inspected by:
 - (h) The confidential statement required pursuant to subsection (b) of this section shall not be inspected or further released except as provided in this subsection if the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence of other information identifying the residence of the victim of domestic abuse. The court may release the confidential statement required under subsection (b) of this section to the department of family services to the extent necessary to enforce the Child Support enforcement Act and the Uniform Interstate family support Act provided:
 - (i) The department releases information protected by a confidentiality order only to governmental agencies or courts of competent jurisdiction and does not release information protected by the confidentiality order to the opposing party or attorneys representing or employed by the opposing party;
 - (ii) The department shall exclude or redact information protected by a confidentiality order from information provided under this subsection to the greatest extent possible in conformance with the child support enforcement act and the uniform interstate family support act;
 - (iii) The department shall provide written notice to parties receiving information protected by a confidentiality order from the department stating that the information is protected by a confidentiality order and shall only be disseminated by the receiving party to the extent necessary to comply with the child support enforcement act and the uniform interstate family support act.

- Under **W.S. 20-5-309(a)**, subject to a confidentiality order entered pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses or other identifying information or other law providing for the confidentiality of procedures, addresses and other identifying information, in a child custody proceeding each party in its first pleading or in an attached affidavit shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five

(5) years and the names and present addresses of the persons with whom the child has lived during that period.

Sexual Assault Protection Orders

- A sexual assault protection order (SAPO) is a civil protection order available to victims of sexual assault. Sexual assault protection orders are designed for, but aren't limited to, victims who do not meet the "household member"¹ relationship definition with the alleged perpetrator necessary to qualify for a domestic violence order of protection.² Previously, victims who were assaulted by someone outside the definition of "household member" were unable to qualify for a civil protection order. Consequently, "this gap in protection was significant because many sexual assaults are perpetrated by acquaintances or persons known but not related to the victim."³ A sexual assault protection order may be sought regardless of whether the victim reports the incident to law enforcement and neither the filing of the petition or the order itself requires a criminal charge or conviction. The Wyoming State Legislature recognizes that many victims who do not report a sexual assault still desire safety and protection from future interactions with the offender. Knowing whether or not charges are filed in criminal court, however, can impact the use of testimony in a protection order hearing as well as the duration of the order. **Wyo. Stat. Ann. §7-3-508(e) and Wyo. Stat. Ann. §7-3-510(b)(ii)(B)**. Civil sexual assault protection orders provide another remedy for ordering an offender to stay away from and to not otherwise contact the victim and other specified people, either physically or through the use of technology, including at school, at home, and at work. **Wyo. Stat. Ann. §7-3-509(a)(ii)**.
- Under **W.S. 7-3-506** through **7-3-511**, a victim of stalking or sexual assault may file a Sexual Assault Protection Order (SAPO). A next friend, parent or guardian may file for a SAPO on behalf of a minor child, a vulnerable adult or any other adult who, because of age, disability, health or inaccessibility, cannot file the petition. The following language from Wyoming's Code of Civil Procedure, may give some guidance as to who has legal authority to act on behalf of the victims if the victim (or the respondent) is a minor. "Every person over fourteen (14) years of age and

¹ Wyo. Stat. Ann. §35-21-102(a)(iv) "Household member" includes:(A) Persons married to each other; (B) Persons living with each other as if married; (C) Persons formerly married to each other; (D) Persons formerly living with each other as if married; (E) Parents and their adult children; (F) Other adults sharing common living quarters;(G) Persons who are the parents of a child but who are not living with each other; and (H) Persons who are in, or have been in, a dating relationship.

² If the victim and the perpetrator qualify as "household members" and the perpetrator caused the victims to engage involuntarily in sexual activity by force, threat of force or duress, the victim should consider seeking a domestic violence order of protection instead of a sexual assault order of protection.

³ Laura Jones, J.D., Chapter 9, Civil Protection Orders, *citing to* Lucy Berliner, David Fine and Danna Moore, "Sexual Assault Experiences and Perceptions of Community Response to Sexual Assault: A Survey of Washington State Women" (Seattle: Harborview Medical Center 2001), available at <http://www.courts.wa.gov/content/manuals/SexualOffense/chapter9.pdf>.

under the age of majority, when subject to no disability other than being a minor, may sue or be sued. When plaintiff he shall sue by a next friend selected by him before suit is commenced. The next friend is liable for the cost chargeable to the plaintiff. When the minor is sued he shall appear by guardian nominated by him and appointed by the court before further proceedings are had in the case, but judgment shall be against the minor defendant only. In either case, if plaintiff or defendant neglects or refuses to nominate a next friend or guardian, the court shall appoint a next friend or guardian, who shall file his consent in writing, with the court.”

- **What relief is available in a protection order?** Following a hearing and upon a finding that conduct constituting sexual assault has been committed, the court shall enter an order of protection ordering the respondent to refrain from any further acts of sexual assault involving the victim or any other person. As a part of any order of protection, the court may direct that the respondent:
 - Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged offense and any other persons, including but not limited to members of the family or household of the victim, as the court may describe in the order. Prohibited contact includes telephone calls, mail, e-mail, texting, fax, contacting through social media using the internet or similar technology and any other form of communication.
- For more information contact any of the resources listed under domestic violence and sexual assault located under the Violence Against Women section.

Human Trafficking (New Section-Cross Referenced in Criminal Law)

- W.S. 6-2-701 Definitions:
 - (a) As used in this article:
 - (i) “Benefit” means anything of value;
 - (ii) “Coercion” means any one (1) or more of the following:
 - (A) The use or threat of force, abduction, serious harm to or physical restraint against any individual;
 - (B) The use of a scheme, plan, pattern or fraudulent statement with intent to cause an individual to believe that failure to perform an act will result in serious harm to or physical restraint against any individual;
 - (C) The abuse or threatened abuse of the law or legal process;
 - (D) The abuse of a position of power or taking advantage of a position of vulnerability;
 - (E) Providing a controlled substance to an individual for the purpose of controlling the person's behavior;
 - (F) Interfering with lawful custody of or access to an individual's children;

- (G) The destruction of, taking of or the threat to destroy or take an individual's identification document;
- (H) The use of an individual's personal services as security payment or satisfaction for a real or purported debt if:
 - (I) The reasonable value of the services is not applied toward the liquidation of the debt;
 - (II) The length of the services is not limited and their nature is not defined;
 - (III) The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred; or
 - (IV) The individual is prevented from acquiring accurate and timely information about the disposition of the debt.
 - (iii) "Commercial sex act" means any sexual act for which anything of value is given to, promised or received by a person in exchange for the sexual act;
 - (iv) "Deception" means:
 - (A) A person's creation or confirmation of an individual's impression of material fact or event which is false and which the person knows or has reason to believe is false, including:
 - (I) The nature of labor or services to be provided;
 - (II) The fundamental conditions of labor; or
 - (III) The extent to which the individual will be free to leave the individual's place of residence or workplace; and
 - (B) The promise of a benefit to or performance of a service to an individual to which the person does not intend to be delivered or performed.
 - (v) "Financial harm" means a detrimental position in relation to wealth, property or other monetary benefits that occurs as a result of another person's illegal act including, but not limited to, blackmail, promoting of prostitution or illegal employment contracts;

- (vi) “Forced services” means services performed or provided by a person that are obtained or maintained by another person who:
 - (A) Causes or threatens to cause serious harm to any person;
 - (B) Physically restrains or threatens to physically restrain another person;
 - (C) Abuses or threatens to abuse the law or legal process;
 - (D) Knowingly destroys, conceals, removes or confiscates any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;
 - (E) Engages in blackmail; or
 - (F) Causes or threatens to cause financial harm to any person.
- (vii) “Identification document” includes a passport, driver's license, immigration document, travel document and any other government issued identification document;
- (viii) “Labor” means work of economic or financial value;
- (ix) “Minor” means any natural person younger than eighteen (18) years of age;
- (x) “Pecuniary damage” means all damages which a victim could recover against the defendant in a civil action arising out of the same facts or event, including damages for wrongful death. It does not include punitive damages and damages for pain, suffering, mental anguish and loss of consortium;
- (xi) “Person” means an individual, partnership, corporation, joint stock company or any other association or entity, public or private;
- (xii) “Restitution” means full or partial payment of pecuniary damage to a victim;
- (xiii) “Serious harm” means physical or nonphysical harm or property damage, including, but not limited to, bodily injury as defined in [W.S. 6-1-104\(a\)\(i\)](#), economic loss as defined in [W.S. 1-40-102\(a\)\(v\)](#), personal injury as defined in [W.S. 1-40-102\(a\)\(vii\)](#) or reputational harm sufficient

to compel a reasonable person of the same background and in the same circumstance of the victim, to perform or to continue performing labor, a service or a commercial sex act in order to avoid incurring that harm;

- (xiv) “Services” means activities resulting from a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity is “services” in this article. Nothing in this definition may be construed to legitimize or legalize prostitution;
- (xv) “Victim” means the person alleged to have been subjected to human trafficking;
- (xvi) “This act” means W.S. 6-2-701 through [6-2-710](#).

Human Trafficking in the First Degree

- Under **W.S. 6-2-702(a)**, A person is guilty of human trafficking in the first degree when the person intentionally or knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:
 - (i) Forced labor or servitude in violation of W.S. 6-2-704;
 - (ii) Sexual servitude in violation of W.S. 6-2-705; or
 - (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.
- Under **W.S. 6-2-702(b)**, Human trafficking in the first degree is a felony punishable by imprisonment for not less than five (5) nor more than fifty (50) years unless the victim is a minor in which case it is a felony punishable by imprisonment for not less than twenty-five (25) nor more than fifty (50) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

Human Trafficking in the Second Degree

- Under **W.S. 6-2-703(a)**, A person is guilty of human trafficking in the second degree when the person recklessly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:
 - (i) Forced labor or servitude in violation of W.S. 6-2-704;
 - (ii) Sexual servitude in violation of W.S. 6-2-705;
 - (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.
- Under **W.S. 6-2-703(b)**, human trafficking in the second degree is a felony punishable by imprisonment for not less than two (2) nor more than twenty (20) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

Forced Labor or Servitude; penalty

- Under **W.S. 6-2-704(a)**, A person is guilty of forced labor or servitude when the person intentionally, knowingly or recklessly uses coercion, deception or fraud to compel an individual to provide forced services.
- Under **W.S. 6-2-704(b)**, Intentionally, knowingly or recklessly compelling forced labor or servitude is a felony punishable by imprisonment for not more than fifteen (15) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

Sexual Servitude of adult

- Under **W.S. 6-2-705(a)**, A person is guilty of sexual servitude of an adult when the person intentionally, knowingly or recklessly uses coercion, deception or fraud to compel an individual eighteen (18) years of age or older to engage in commercial sexual services.
- Under **W.S. 6-2-705(b)**, Intentionally, knowingly or recklessly compelling the sexual servitude of an adult is a felony punishable by imprisonment for not more than three (3) years and a fine of not more than three thousand dollars (\$3,000.00), or both.

Sexual Servitude of a minor

- Under **W.S. 6-2-706(a)**, A person is guilty of sexual servitude of a minor when the person intentionally, knowingly or recklessly offers, obtains, procures or provides an individual less than eighteen (18) years of age to engage in commercial sexual services.
- Under **W.S. 6-2-706(b)**, Intentionally, knowingly or recklessly compelling the sexual servitude of a minor is a felony punishable by imprisonment for not more than five (5) years and a fine of not more than five thousand dollars (\$5,000.00), or both.
- Under **W.S. 6-2-706(c)**, It is not a defense in a prosecution under this section that the individual consented to engage in commercial sexual services or that the defendant reasonably believed the individual was at least eighteen (18) years of age.

Patronizing a victim of sexual servitude

- Under **W.S. 6-2-707(a)**, A person is guilty of patronizing a victim of sexual servitude when the person pays, agrees to pay or offers to pay anything of value so that the person or another may engage in sexual activity with an individual when the person knows that the individual is a victim of sexual servitude in violation of W.S. 6-2-705 or 6-2-706.
- Under **W.S. 6-2-707(b)**, Patronizing a victim of sexual servitude is a felony punishable by a fine of not more than five thousand dollars (\$5,000.00), imprisonment for not more than three (3) years, or both.

Victim defenses; vacating convictions

- Under **W.S. 6-2-708(a)**, A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incident to, being a victim of human trafficking in violation of W.S. 6-2-702 through 6-2-707.
- Under **W.S. 6-2-708(b)**, A victim of human trafficking who is a minor shall be deemed a child in need of supervision in accordance with the Children in Need of Supervision Act or a neglected child in accordance with the Child Protection Act.
- Under **W.S. 6-2-708(c)**, At any time after the entry of a conviction, the court in which it was entered may vacate the conviction if the defendant's participation in the offense is found to have been the result of having been a victim. Official documentation of the defendant's status as a victim at the time of the offense from a federal, state or local government agency shall create a presumption that the defendant's participation in the offense was a result of having been a victim, but shall not be required for granting a motion under this section

Victims' rights; services

- Under **W.S. 6-2-709(a)**, As soon as possible after the initial encounter with a person who reasonably appears to a law enforcement agency, district or county and prosecuting attorneys' office to be a victim of human trafficking, the agency or office shall:
 - (i) Notify the victim services division within the office of the attorney general that the person may be eligible for services under this article; and
 - (ii) Make a preliminary assessment of whether the victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in the Trafficking Victims Protection Act, 22 U.S.C. section 7105, or appears to be otherwise eligible for any federal, state or local benefits and services. If it is determined that the victim appears to meet such criteria, the agency or office shall report the finding to the victim and shall refer the victim to services available, including legal service providers. If the possible victim is a minor or is a vulnerable adult, the agency or office shall also notify the department of family services.
- Under **W.S. 6-2-709(b)**, The attorney general, a district or county and prosecuting attorney or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this article has begun and the individual who is a likely victim of a crime described in this article is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims of a crime described in this article who are minors. This certification shall be made available to the victim and the victim's designated legal representative.
- Under **W.S. 6-2-709(c)**, Victims of human trafficking under W.S. 6-2-702 through 6-2-706 shall be informed of the rights enumerated in this section, the victim's right to informed consent and the victim's rights as a victim of crime. The victim shall also be informed of available housing, educational, medical, legal and advocacy services.

- Under **W.S. 6-2-709(d)**, Victims of human trafficking are entitled to restitution and forms of compensation under the Crime Victims Compensation Act.
- Under **W.S. 6-2-709(e)**, In a prosecution for an offense under this article, police and prosecuting agencies shall keep the identity of the victim and the victim's family confidential. The prosecutor shall take reasonable steps to protect the victim and the victim's family from being re-victimized.

Restitution

- Under **6-2-710(a)**, In addition to any other punishment prescribed by law, upon conviction for felony under this article, the court shall order a defendant to pay mandatory restitution to each victim as determined under W.S. 7-9-103 and 7-9-114.
- Under **6-2-710(b)**, If the victim of human trafficking to whom restitution has been ordered dies before restitution is paid, any restitution ordered shall be paid to the victim's heir or legal representative provided that the heir or legal representative has not benefited in any way from the trafficking.
- Under **6-2-710(c)**, The return of the victim of human trafficking to the victim's home country or other absence of the victim from the jurisdiction shall not limit the victim's right to receive restitution pursuant to this section.

Prostitution Penalties

- Under **W.S. 6-4-101**, except as provided in W.S. 6-2-701 through 6-2-710, a person who knowingly or intentionally performs or permits, or offers or agrees to perform or permit an act of sexual intrusion, as defined by W.S. 6-2-301(a)(vii), for money or other property commits prostitution which is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

Soliciting an act of prostitution; penalties

- Under **W.S. 6-4-102**, except as provided in W.S. 6-2-701 through 6-2-710, a person is guilty of soliciting an act of prostitution if, with the intent that an act of sexual intrusion as defined by W.S. 6-2-301(a)(vii) be committed, that person knowingly or intentionally pays, or offers or agrees to pay money or other property to another person under circumstances strongly corroborative of the intention that an act of prostitution be committed. Soliciting an act of prostitution is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

Definitions

- Under **W.S. 7-19-301**,
 - (a) Unless otherwise provided, for the purposes of this act:
 - (iv) "Criminal offense against a minor" means the offenses specified in this paragraph in which the victim is less than eighteen (18) years of age. "Criminal

offense against a minor” includes an offense committed in another jurisdiction, including a federal court or courts martial, which, if committed in this state, would constitute a “criminal offense against a minor” as defined in this paragraph. “Criminal offense against a minor” includes:

- (J) Human trafficking under W.S. 6-2-702 or 6-2-703 or sexual servitude under W.S. 6-2-705 or 6-2-706.
 - (viii) “Offender” means a person convicted of a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706 or convicted of a criminal offense from Wyoming or any other jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances, as a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706;

Process and Procedure (Cross Referenced in Criminal Law)

- W.S. 6-2-510 is now known as Domestic Assault and W.S. 6-2-511 is now known as Domestic Battery. This is a change from the combination “Assault and Battery.”

Domestic Assault

- Under **W.S. 6-2-510(a)**, A household member is guilty of domestic assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another household member.
- Under **W.S. 6-2-510(b)**, Domestic assault is punishable as follows:
 - (i) By a fine of not more than seven hundred fifty dollars (\$750);
 - (ii) By imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750), or both, if the person has previously been convicted of domestic assault or if the person has previously been convicted of the following or similar offenses against another household member;
 - Domestic battery under W.S. 6-2-511;
 - Simple assault under W.S. 6-2-501(a);
 - Battery under W.S. 6-2-501(b);
 - Aggravated assault and battery under W.S. 6-2-502;
 - Child abuse under W.S. 6-2-503; or
 - Reckless endangering under W.S. 6-2-504
- Under **W.S. 6-2-510(c)**, if a person sentenced under paragraph (b)(ii) of this section is placed on probation, the court may, put the person on probation for longer than six (6) months but not longer than one (1) year.
- Under **W.S. 6-2-510(d)**, As used in this section;
 - (i) “Convicted” means a person has to be convicted upon a plea of guilty or no contest or has been found guilty;
 - (ii) “Household member” means as defined in W.S. 35-21-102;

- (iii) “Similar offense” means a substantially similar law of this or any other state, tribes or territory

Domestic Battery

- Under **W.S. 6-2-511(a)**, A household member is guilty of domestic battery if he knowingly or recklessly causes bodily injury to another household member by the use of physical force.
- Under **W.S. 6-2-511(b)**, Domestic batter is punishable as follows:
 - (i) By imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750), or both;
 - (ii) By imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1000), or both, if within the previous five (5) years, the person has been convicted of domestic battery or the following or similar offense against another household member:
 - (a) Domestic assault under W.S. 6-2-510;
 - (b) Simple assault under W.S. 6-2-501(a);
 - (c) Battery under W.S. 6-2-501(b);
 - (d) Aggravated assault and battery under W.S. 6-2-502;
 - (e) Child abuse under W.S. 6-2-503; or
 - (f) Reckless endangering under W.S. 6-2-504.
 - (iii) By imprisonment for not more than five (5) years, a fine of not more than two thousand dollars (\$2000), or both, if within the previous ten (10) years, the person has been convicted of domestic battery two (2) or more times or has been convicted of domestic battery and the following or similar offense against another household member:
 - (a) Domestic assault under W.S. 6-2-510;
 - (b) Simple assault under W.S. 6-2-501(a);
 - (c) Battery under W.S. 6-2-501(b);
 - (d) Aggravated assault and battery under W.S. 6-2-502;
 - (e) Child abuse under W.S. 6-2-503; or
 - (f) Reckless endangering under W.S. 6-2-504.
- Under **W.S. 6-2-511(c)**, if a person sentenced under paragraph (b)(ii) of this section is placed on probation, the court may, put the person on probation for longer than one (1) months but not longer than two (2) years.
- Under **W.S. 6-2-511(d)**, As used in this section;
 - (i) “Convicted” means a person has to be convicted upon a plea of guilty or no contest or has been found guilty;
 - (ii) “Household member” means as defined in W.S. 35-21-102;

- (iii) "Similar offense" means a substantially similar law of this or any other state, tribes or territory.

Definitions

- Under **W.S. 6-1-104(a)**, as used in this act, unless otherwise defined:
 - (a) As used in this act:
 - (v) "Serious crime" means:
 - (B) Any misdemeanor offense charged under W.S. 6-2-501, 6-2-510 or 6-2-511, or any other provision, a conviction of which is a "misdemeanor crime of domestic violence" as defined in 18 U.S.C. § 921(a)(33), and which may therefore result in the disqualification of the person to possess firearms pursuant to the provisions of 18 U.S.C. §§ 922(g)(9) and 924(a)(2), regardless of the determination of the judge that he intends not to impose a term of incarceration for the state offense.
- - (xv) "Pattern of criminal street gang activity" means the commission of, conviction or adjudication for or solicitation, conspiracy or attempt to commit two (2) or more of the offenses listed in this paragraph on separate occasions within a three (3) year period. Offenses that form a pattern of criminal street gang activity include:
 - (R) Simple assault in violation of W.S. 6-2-501(a) and domestic assault in violation of W.S. 6-2-510;
 - (S) Battery in violation of W.S. 6-2-501(b) and domestic battery in violation of W.S. 6-2-511.

Placing person found guilty but not convicted, on probation

- Under **W.S. 7-13-301(a)** If a person who has not been convicted of a felony is found guilty or pleads guilty or no contest to any misdemeanor except any second or additional violation of W.S. 31-5-233 or any similar provision, or any second or additional violation of W.S. 6-2-510(a) or 6-2-511(a) or any similar provision of law, or any felony except murder, sexual assault in the first or second degree, aggravated assault and battery or arson in the first or second degree, the court may, with the approval of the defendant and the state and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to be longer than five (5) years upon terms and conditions set by the court.

Placement of probationer in program by sentencing court

- Under **W.S. 7-13-1105(c)**, subject to the conditions specified in paragraphs (a) (i) through (iv) of this section, participation in a program established under this article may be ordered for a defendant who has entered a plea of guilty or nolo contendere to or has been convicted of a violation of W.S. 6-2-510 (domestic assault) or 6-2-511 (domestic battery) or a violation of W.S. 6-4-404, or 6-2-504(a) or (b) if the defendant and the victim are household members as defined by W.S. 35-21-102(a) (iv).

Petition for expungement of records of conviction of misdemeanors; filing fee; notice; objections; hearing; definitions

- Under **W.S. 7-13-1501(a)**, A person who has pleaded guilty or nolo contendere to or been convicted of a misdemeanor under W.S. 8 6-2-501(a), or (b), 6-2-504(a), 6-2-510(a), 6-2-511(a) or 6-6-102, or those same misdemeanors arising out of the same occurrence or related course of events, may petition the convicting court for an expungement of the records of conviction, subject to the following 13 limitations:
 - (ii) Other than convictions for which an expungement is sought under this section, the petitioner has not previously pleaded guilty or nolo contendere to or been convicted of a misdemeanor under W.S. 6-2-501(a), or (b), 6-2-504(a), 6-2-510(a) (domestic assault), 6-2-511(a) (domestic battery) or 6-6-102;

Petition for expungement of records of conviction of certain felonies; filing fee; notice; objections; hearing; definitions; restoration of rights

- Under **W.S. 7-13-1502(a)**, A person convicted of a felony of felonies subject to expungement under this section arising out of the same occurrence or related course of events, may petition the convicting court for an expungement of the records of conviction, subject to the following limitations:
 - (iv) Felonies subject to expungement under this section shall not include:
 - (E) Any offense punishable under W.S. 6-2-501(f) as in effect prior to July 1, 2014 and any offense punishable under W.S. 6-2-511(b)(iii) (domestic battery);

Arrest without warrant

- Under **W.S. 7-20-102(a)**, In addition to arrests specified in W.S. 7-2-102, any peace officer who has probable cause to believe that a violation of W.S. 6-2-510(a) (domestic assault) or 6-2-511(a) (domestic battery) has taken place within the past twenty-four (24) hours or is taking place or that a violation of W.S. 6-2-502(a) or 6-2-504(a) or (b) has taken place within the preceding twenty-four (24) hours or is taking place and that the person who committed or is committing

the violation is a household member as defined by W.S. 35-21-102(a)(iv), may arrest the violator or aggressor without a warrant for that violation, regardless of whether the violation was committed in the presence of the peace officer.

Domestic Violence and Sexual Assault Resources

Albany County

SAFE Project
319 S. Lincoln Street
Laramie, WY 82070
Phone: 307-742-7273
24 Hour Hotline: 1-307-745-3556

Carbon County

Carbon County Citizen Organized to See Violence End (COVE)
415 West Cedar
Rawlins, WY 82301
Toll Free Crisis Line: 800-705-7993

Converse County

Glenrock Office
412 South 4th
Glenrock, WY 82637
307-358-4800

Crook County

Crook County FV & SA Services
116 North West Street
Sundance, WY 82729
307-283-1225

Fremont County

Toll Free Crisis Line: 888-873-5208

Laramie County

Safe House/ Sexual Assault Services, Inc.
714 W. Fox Farm Road
Cheyenne, WY 82007
24 hour hotline: 307-637-7223

Equal Justice Wyoming

2300 Capitol Ave. 1st Floor
Cheyenne, WY 82002
307-777-8383

Natrona County

Self Help Center
918 East 2nd Street
Casper, WY 82601
Phone: 307-235-2814

Sublette County

SAFV Task Force
253 North Sublette
Pinedale, WY 82941
Toll Free: 888-3014435

Big Piney Office
415 Budd Avenue
Big Piney, WY 83113

Uinta County

Sexual Assault & Family Violence (SAFV)
E-mail: director@safvtaskforce.org
307-789-7315

Washakie County

Victims of Violence Center is now called Crisis Prevention and Response Center
E-mail: cprc@rtconnect.net
307-347-4991

Legal Assistance

Wyoming Coalition Against Domestic Violence and Sexual Assault Legal Assistance for Victims Program

Address:

PO Box 236

Laramie, WY 82073

New website address: www.wyomingdvsa.org

Email: info@wyomingdvsa.org

Phone: 307-755-0992

Fax: 307-755-5482

UW Family and Child Legal Advocacy Clinic (formerly known as DV Legal Assistance Project)

Dept. 3010

1000 E. University Ave.

Laramie, WY 82071

Phone: 307-766-3747

Fax: 307-766-4823

dvlap@uwyo.edu

UW Legal Civil Legal Services Clinic

Dept. 3010

1000 E. University Ave.

Laramie, WY 82071

Phone: 307-766-2104

Fax: 307-766-4823

Email: uwlsp@uwyo.edu

Center for International Human Rights Law & Advocacy

1000 E. University Ave., Dept. 3035

Laramie, WY 82071

Phone: 307-766-3556

Email: humanrts@uwyo.edu

Equal Justice of Wyoming: Legal Assistance for Low Income Families

Cheyenne Office

211 West 19th Street, Ste. 300
Cheyenne, WY 82001
307-432-0807
1-877-432-9955 Toll free

Legal Aid of Wyoming Inc.

Administrative Main Office

211 W. 19th Street, Suite 300, Cheyenne, WY 82001
(1-877-432-9955)

Casper Office

159 N Wolcott St., Ste. 100
Casper, WY 82601
Phone: 1-877-432-9827
Fax: 307-232-9830

Lander Office

420 Lincoln Street
Lander, WY 82520
Phone: 1-877-432-9955
Fax: 307-332-3544

Rock Springs Branch Office

725 C. Street
Rock Springs, WY 82901
(307) 459-5764
Fax: (307) 316-0627

Gillette Branch Office

114 4J Road
Gillette, WY 82716
(307) 459-5765
Fax: (307) 333-0431

For other victim service resources from around the state of Wyoming see:

- <http://www.aardvarc.org/dv/states/wydv.shtml>

WILLS AND HEALTH CARE DIRECTIVES..... 113

What is Estate Planning?

- Estate Planning is the process of arranging for the disposal of an individual's estate. This can take many forms depending on what goals the client wishes to achieve. The following is an inexhaustive list of examples of what an estate plan can do:
 - An estate plan can lay out how certain assets are distributed upon death.
 - An estate plan can eliminate many of the uncertainties that surround probate.
 - An estate plan can maximize the value of an individual's estate distributed to his or her heirs by reducing taxes and other expenses upon death.
 - An estate plan can also designate a guardian for minor children or appoint a trustee to manage the assets on behalf of the beneficiaries of a trust.
 - An estate plan can give directions to medical care providers and family members regarding end-of-life care.

Glossary of Terms

- http://www.americanbar.org/groups/real_property_trust_estate/resources/estate_planning/glossary.html

Wills

What does a will do?

- Aside from providing for the intended disposition of your property to your spouse, children, close friends, etc., there are a number of other objectives that may be accomplished in your will:
 - You may designate a guardian for your minor children if you have survived the other parent and, by judicious use of a trust and appointment of a trustee, eliminate the need for bonds and supervision by the court regarding the care of each minor child's estate.
 - You may designate an executor of your estate and eliminate the need for a bond.
- A will is a written testament which provides for the distribution of property owned by you at the time of your death. You have very broad discretion to designate how you want your property to be divided and distributed, although state statutes may place certain limitations on your discretion. For example, most states have specific laws that prevent you from absolutely disinheriting your spouse.
 - You may choose to acknowledge or provide for a child (e.g., stepchild, godchild, etc.), an elderly parent, or other vulnerable individual.
 - If you are acting as custodian for the assets of a child or grandchild, you may designate your successor custodian and avoid the expense of a court appointment.

What a will does NOT do:

- A will does not govern the transfer of certain types of assets, called non-probate property, which by operation of law or contract passes directly to someone else upon your death. For example, real estate and other assets owned with rights of survivorship pass automatically to the

surviving owner. Likewise, an insurance policy payable to a named beneficiary passes outside the will

What happens if I die without a will?

- If you die intestate (without a will), your state's laws of descent and distribution will determine who receives your property. These laws typically distribute your estate to your spouse and/or living children or to other family members if you do not have a living spouse or children. Your state's intestacy laws reflect the typical manner by which most people would dispose of their estates, but they may not reflect your actual wishes. A will allows you to create your own plan to suit your own preferences.

How do you execute a will?

- For a will to be considered valid, certain formalities must be observed. Wills are typically required to be signed in the presence of several witnesses and a notary. A later amendment to a will is called a *codicil* and must be signed with the same formalities.
- In order to provide flexibility and reduce the need for amendments to your will, some state's statutes will allow you to refer in your will to a memorandum which describes your wishes regarding how to dispose of your tangible personal property, such as furniture, jewelry, automobiles, etc. Such a memorandum is a separate document which only requires your signature and the date of signing to be effective. Additionally, a new memorandum may be created at any time to add additional property descriptions or alter the disposition of your property. The last executed memorandum will govern the distribution of your tangible personal property at your death.
- In many states, a will that is formally executed in the presence of witnesses and a notary is deemed to be "self-proved" and may be admitted to probate without testimony of witnesses or other additional proof.

What is a living will/advance health care directive?

- A living will is your written expression of how you want to be treated in certain medical conditions. This document may permit you to express whether or not you wish to be given life-sustaining treatments in the event you are terminally ill or injured, to decide in advance whether you wish to be provided food and water via intravenous devices ("tube feeding"), and to give other medical directions that impact the end of your life.
- In addition, most states permit you to express your preferences as to treatment regarding life-sustaining equipment and/or tube feeding for medical conditions that leave you permanently unconscious or without detectable brain activity. Living wills do not determine your medical treatment in situations that do not affect your continued life, such as routine medical treatment and non-life-threatening medical conditions. In all states the determination as to whether or not you are in such a medical condition is determined by medical professionals, usually your attending physician and at least one other medical doctor who has examined you and/or reviewed your medical situation.

What is a Provider Order for Life Sustaining Treatment (POLST)?

- Under **W.S. 35-22-501** through **35-22-509** any adult with the capacity to make medical decisions or their guardian may sign a POLST form with their wishes on life sustaining treatment. This form is intended to convey a person's medical wishes to their doctors and other medical staff.
- The consent to the POLST form can be revoked at any time. Signing this form or not signing it will in no way impact the ability to get medical treatment or a person's health insurance.

What about organ and tissue donation?

- In many states, you can include in your advance directive your preference to become an organ or tissue donor at the time of death. Even if your driver's license contains an organ or tissue donor statement, you should express this further by letting your health care proxy, your family, and your physician know your desire to become a donor.

What is a Durable Medical Power of Attorney?

- A "durable medical power of attorney," sometimes called a "health care proxy" or "health care surrogate" is the appointment of a person to whom you grant authority to make medical decisions in the event you are unable to express your preferences. Normally, a single individual is appointed as your health care proxy, though it is common to designate one or more alternates in the event your first choice is unavailable. As with the living will, medical professionals will make the initial determination as to whether or not you have the capacity to make your own medical treatment decisions.

Probate

What is probate?

- If you own property in your individual name at your death (ie not in trust), it is most likely that your assets will be subject to what is known as "probate" or the "probate process." The probate process includes two parts: probate and estate administration.
 - "Probate" is the process by which your will (if you have executed one during your life) is submitted to the probate court to be "proved" or validated, and an estate administrator is appointed.
 - "Estate administration" is the process by which your assets are collected and then distributed to your heirs.
 - If you execute a will during your life, the "proving" of your will establishes that it is indeed your final statement and intention regarding the distribution of your estate assets and the appointment of the person or institution you have named to administer your estate.
 - If you do not execute a will during your life, an estate administrator will be appointed in compliance with state statutes.
 - Once your will has been "proven" and an administrator has been appointed, such administrator will have the responsibility to gather all of your estate assets, pay your final debts, taxes, and expenses of administration, and distribute your assets to those designated as beneficiaries in your will. The choice of your administrator is an important one as your administrator will most likely be entitled to receive a reasonable fee or commission and will be held accountable to your beneficiaries for the proper administration of your estate. Depending on state law, an administrator will either be formally or informally supervised by the probate court.

Should I try to avoid probate?

- All of your estate assets must be distributed after your death either through the probate process or by direct transfer of ownership. Based on the statutes of some states, the probate process can be a very slow and costly endeavor; therefore, many lawyers and other professionals advocate for the avoidance of probate by using certain techniques or instruments which remove

the ownership of your assets from your estate. However, many states have simplified and streamlined their probate processes over the years, which means there is less reason to avoid probate in these states.

- The techniques and instruments which may be employed to avoid probate may in themselves be very costly; therefore before you take any action, you should compare the cost of probate versus the cost to avoid probate.

How can I avoid probate:

- If you have determined that avoiding probate would be more efficient or less costly, the living/revocable trust is one option that will allow you to avoid probate. Any assets owned by the trust at your death will not be considered part of your estate and will therefore not be subject to probate.
- In addition to the trust, there are other types of property that automatically avoid, or “pass outside of” the probate process, including:
 - Jointly-owned property, including real estate or bank accounts held jointly with right of survivorship
 - Assets or account that have a beneficiary designation, such as life insurance policies, annuities, bank accounts, or retirement benefits that pass to a named beneficiary
- Although the options listed above are some of the more common techniques of probate avoidance, they do not represent an exhaustive list; therefore, it is suggested that you consult with an attorney if you have additional questions.

Trusts

What is a trust?

- The term “trust” describes the holding of property by a “trustee” (which may be one or more persons or a corporate trust company or bank) for the benefit of one or more persons called “beneficiaries.” The holding of the property must be in accordance with the provisions of the written trust instrument. A person may be both a trustee and a beneficiary of the same trust.
- A trust created by your will is called a testamentary trust and the trust provisions are contained in your will.
 - If you create a trust during your lifetime, you are the trust's “grantor” or “settlor,” and the trust is called a “living trust” or “inter vivos” trust. The trust provisions are contained in the trust agreement and will designate what happens to the property in the trust upon your death (as opposed to your will or your state’s intestacy statutes).
 - A living trust may be revocable (subject to change and terminated by the settlor) or irrevocable. Either type of trust may be designed to accomplish the purposes of property management, assistance to the settlor in the event of physical or mental incapacity, and disposition of property after the death of the settlor of the trust.
 - It is important to note that trusts are not only for the wealthy. Even young parents with limited assets may choose to create trusts for the benefit of their children in case both parents die before their children have reached maturity. The provisions of such a trust could be tailored to meet the specific desires and intentions of the grantors.
 - For example, the trust could provide that the trust estate will be held as a single undivided fund to be used for the support and education of the grantors’ minor children, according to their respective needs, with eventual division of the trust

among the children when the youngest has reached a specified age. This type of arrangement has an obvious advantage over a will's more inflexible division of property among children of different ages and levels of maturity or individual needs at the time of distribution.

Power of Attorney

What is a power of attorney?

- A power of attorney is a document that gives another person or entity the power to act on your behalf. The person or entity which has been granted a power of attorney is often called an "agent" or "attorney-in-fact." With a valid power of attorney, your agent can take any action permitted in the power of attorney document; however, your agent may be required to present the actual document to invoke such power.
- You may limit the power you give to your agent to relate only to a particular activity (e.g., closing the sale of your home), or you may make your agent's powers broad, allowing your agent to act on your behalf in a variety of situations. You can also specify whether your agent's power will take effect immediately or upon the occurrence of a future event (e.g., a determination that you are unable to act for yourself), often referred to as a "springing" power of attorney. You can also specify whether the power you have given your agent is temporary or permanent.
- When your agent is signing a document on your behalf, your agent's signature must include a reference to the fact that he or she is exercising his, her, or its authority as a power of attorney. For example:
 - Assume Bonnie Parker appoints her husband, Clyde Barrow, as her agent in a written power of attorney. Clyde, as agent, must sign: *Bonnie Parker, by Clyde Barrow under POA or Clyde Barrow, attorney-in-fact for Bonnie Parker.*

Why give someone such authority?

- One important reason to use a power of attorney is to prepare for situations when you may not be able to act on your own behalf due to absence or incapacity. Such a disability may be temporary (e.g., due to travel, accident, or illness) or it may be permanent. Another reason to use a power of attorney is for convenience. If you are buying or selling assets and do not wish to appear in person to close the transaction, you may take advantage of a power of attorney.
- If you do not have a power of attorney and become unable to manage your personal or business affairs, it may become necessary for a court to appoint someone to act for you (e.g., a guardian or conservator). This person may or may not be someone you would have chosen to appoint. With a power of attorney, you choose who will act on your behalf, and you define their authority and its limits.

Who should be my agent?

- There are no special qualifications necessary for someone to act as an attorney-in-fact except that the person must not be a minor or otherwise incapacitated. The best choice is someone you trust.
- Many people choose a family member to act on their behalf, such as a spouse or a child. In naming an agent, be aware of the possibility that the person you have chosen may not be available to act when needed, or they may not agree. You should consider naming two or three successor agents to address this possibility.

How can I revoke a power of attorney?

- In general, you may revoke a power of attorney at any time, but most states require written notice of revocation to your agent.
- Some states previously required renewal of powers of attorney for continuing validity. Today, most states permit a "durable" power of attorney that remains valid once signed until you die or revoke the document.
- You should periodically reevaluate yours of attorney and whether your choice of agents still meets your needs. You might also consider meeting with an attorney to help you reevaluate your powers of attorney, which would include learning about developments in state law that might affect your powers of attorney.

The Lawyer

Do I need a lawyer to come up with my own estate plan?

- Many organizations and internet-based companies advertise that you can save time and money by drafting your own will using do-it-yourself software or fill-in-the-blank will kits. While the basic premise might be true in some circumstances, it is unlikely that these systems will generate a suitable will that accomplishes all your objectives. Only a qualified lawyer can interpret the maze of laws bearing on property rights, taxes, wills, probate, and trusts.
- On the other hand, you can save time and money by preparing thoroughly for a meeting with your estate-planning lawyer. You can organize your information regarding your assets, liabilities, and title arrangements and discuss your feelings about providing for various family members. You should provide copies of important documents such as previous wills or trusts, powers-of-attorney, life insurance policies, employment benefits, and prenuptial agreements or divorce decrees.

What is the lawyer's role in the estate planning process?

- The advice and direction of your attorney will be essential to implementing an estate plan that both disposes of your assets according to your wishes and meets your other personal objectives.

Adopted Child intestate succession

In Wyoming, so long as a child is not adopted, the child may still inherit from a parent even when that parent's rights have been terminated.

2-4-107. Determination of relationship of parent and child.

(a) If for purposes of intestate succession, a relationship of parent and child shall be established to determine succession by, through or from a person:

- (i) An adopted person is the child of an adopting parent for inheritance purposes but the adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent for inheritance purposes;

14-2-317. Effect of order of termination.

(a) An order terminating the parent-child legal relationship divests the parent of all legal rights and privileges and relieves the child of all duties to that parent except:

(ii) Except as provided in W.S. 2-4-107(a)(i), the right of the child to inherit from the parent shall not be affected by the order.

Resources

The Estate Planning Practicum provides legal services, including simple wills and estate planning advice, to low income individuals in Wyoming. The Practicum's mission is to help it's clients maximize control over their end of life decisions and to secure their families future in the event of incapacity or death through the drafting of wills, powers of attorney and advanced health care directives.

MORE INFORMATION?

- If you would like additional information about the Estate Planning Practicum, please contact the office at 307-766-6441 or wyowills@uwyo.edu. You may also fax the office at 307-766-4898.

WORKPLACE ISSUES.....119

W.S. 19-14-111 allows a private employer to give preference to a veteran, spouse of a disabled or deceased veteran without the preference being considered a discriminatory or unfair employment practice. (2016)

JUVENILES..... 136

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

In Wyoming, “another planned permanent living arrangement” means a permanency plan for youth sixteen (16) years of age or older other than reunification, adoption, legal guardianship or placement with a fit and proper relative.

Termination of Parental Rights (New Section-Cross Referenced in Family Law)

- Under **W.S. 14-2-309(c)**, when terminating parental rights, no effort to preserve and reunify the family if any one (1) or more of the following has happened by clear and convincing evidence:
 - (ii) The parent abandoned, chronically abused or sexually abused the child;

- (iii) The parent has been convicted of committing one (1) or more of the following crimes against the child or another child that parent:
 - (A) Sexual assault under W.S. 6-2-302 through 6-2-304;
 - (b) Sexual battery under W.S. 6-2-313;
 - (C) Sexual abuse of a minor under 6-2-314 through 6-2-317.
- (iv) The parent is required to register as a sex offender pursuant to W.S. 7-19-302 if the offense involved the child of another child of that parent. This shall not apply if the parent is only required to register for conviction under W.S. 6-2-201.
- (v) Other aggravating circumstances exist indicating that there is little likelihood that services to the family will result in successful reunification.

Confidentiality (New Section-Cross Referenced in Family Law, Name Change and Violence Against Women)

- If a victim of domestic abuse has pursued a confidentiality order or any other court order allowing a party to maintain confidentiality of addresses or other information identifying the residence of the victim of domestic abuse, the address and city or state of residence and other information identifying the residence of the victim of domestic abuse and any child residing with the victim of domestic abuse shall remain confidential in any court proceedings under **W.S. 14-3-441**.
- Under **W.S. 35-21-112(a)**, the confidentiality of the address, city and state of residence or any other information identifying the residence of a victim of domestic abuse shall remain confidential as provided in this section.
- Under **W.S. 35-21-112(b)**, the victim of domestic abuse may at any point during the court proceedings file a motion with the court for entry of an order providing for the confidentiality of the address, city and state of residence or any other information identifying the residence of the victim of domestic abuse and any children residing with the victim of domestic abuse during the court proceedings. The motion may be accompanied with all relevant affidavits or documents to establish that the person requesting confidentiality is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.
- Under **W.S. 35-21-112(c)**, upon a filing of a motion according to subsection (b) of this section, the court shall issue an order prohibiting the release of the address, city and state of residence and any other information identifying the residence of a person if:
 - (i) The person filing the motion has been granted an order of protection under this act or similar act in another state or territory of the United States and the order of protection remains in effect; or
 - (ii) The court finds by a preponderance of the evidence that the person is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.
- Under **W.S. 35-21-112(d)**, An order issued under this section shall only provide confidentiality in the action in which it is granted and for those additional purposes specified by law referencing an order issued pursuant to this section.

- *Name Change*: under **W.S. 1-25-101**, every person desiring to change his name may petition the district court of the county of the petitioner's residence for the desired change. The petition shall be verified by affidavit setting forth the petitioner's full name, the name desired, a concise statement of the reason for the desired change, the place of his birth, his place of residence and the length of time he has been an actual bona fide resident of the county in which the petition is filed. If the court is satisfied that the desired change is proper and not detrimental to the interests of any other person, it shall order the change to be made, and record the proceedings in the records of the court. In the event a confidentiality order has been entered pursuant to W.S.35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other identifying information, the address, city or state of residence or other identifying information of the party shall remain confidential.
- Under **W.S. 1-25-103**, except in a proceeding in which the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence or other identifying information, public notice of the petition for a change of name shall be given in the same manner as service by publication upon nonresidents in civil actions.

Visitation (New Section-Cross Referenced with Family Law and Violence Against Women)

- Under **W.S. 20-2-202(a)**, the court may order visitation it deems in the best interests of each child and the court shall:
 - (iii) Require either parent who plans to change their home city or state of residence, to give written notice thirty (30) days prior to the move, both to the other parent and to the clerk of district court stating the date and destination of the move. In the event a confidentiality order has been entered pursuant to W.S.35-21-112 or any other court order allowing a party to maintain confidentiality of addresses or other identifying the residence of the victim of domestic abuse shall remain confidential.
- Under **W.S. 20-2-309(b)**, all child support orders shall be accompanied by a confidential statement that contains the names, addresses, dates of birth, places of birth and social security numbers of each party and each child to whom the order relates and the names and addresses of each party's employer. Except as provided in subsection (h) of this section, the confidential statement may be inspected by:
 - (h) The confidential statement required pursuant to subsection (b) of this section shall not be inspected or further released except as provided in this subsection if the court has issued a confidentiality order pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses, city or state of residence of other information identifying the residence of the victim of domestic abuse. The court may release the confidential statement required under subsection (b) of this section to the department of family services to the extent necessary to enforce the Child Support enforcement Act and the Uniform Interstate family support Act provided:
 - (i) The department releases information protected by a confidentiality order only to governmental agencies or courts of competent jurisdiction and does not

release information protected by the confidentiality order to the opposing party or attorneys representing or employed by the opposing party

- (ii) The department shall exclude or redact information protected by a confidentiality order from information provided under this subsection to the greatest extent possible in conformance with the child support enforcement act and the uniform interstate family support act;
 - (iii) The department shall provide written notice to parties receiving information protected by a confidentiality order from the department stating that the information is protected by a confidentiality order and shall only be disseminated by the receiving party to the extent necessary to comply with the child support enforcement act and the uniform interstate family support act
- Under **W.S. 20-5-309(a)**, subject to a confidentiality order entered pursuant to W.S. 35-21-112 or any other court order allowing a party to maintain confidentiality of addresses or other identifying information or other law providing for the confidentiality of procedures, addresses and other identifying information, in a child custody proceeding each party in its first pleading or in an attached affidavit shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five (5) years and the names and present addresses of the persons with whom the child has lived during that period.

Representation

- **W.S. 7-6-104** discusses when people with little means need an attorney. Under section (c), a needy person who is entitled to be represented by an attorney under subsection (a) of this section is entitled:
 - (v) To be represented by the public defender when requested by a fugitive in a proceeding for extradition for the limited purpose provided in W.S. 7-3-210 or for fugitive juveniles under the interstate compact on juveniles, W.S. 14-6-102, when requested by the juvenile or the courts.
- Under **W.S. 14-12-101**, under the state public defender office, guardian ad litem will be provided in the following cases:
 - (v) Interstate compact on Juveniles proceedings under W.S. 14-6-102, when requested by the juvenile or the court;
 - (vi) Appeals to the Wyoming supreme court in the cases or actions specified in this subsection.
- Under **W.S. 7-6-112(a)** representation does not apply to:
 - (i) Matters arising out of an action pending in the juvenile courts of this state unless it is in a juvenile delinquency proceeding or a child in need of supervision proceeding.

Abuse and Neglect

Definitions used in the Child Protection Act

In Wyoming, “another planned permanent living arrangement” means a permanency plan other than reunification, adoption, legal guardianship or placement with a fit and proper relative. **W.S. 14-3-402(a)(xxiv)**.

Where child adjudged neglected:

- Under **W.S. 14-3-429(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, at least every three (3) months the agency or institution shall recommend to the court if the order should be continued;
 - (B) Not less than once every six (6) months, the court of jurisdiction shall conduct a formal review to assess and determine the appropriateness of the current placement, the reasonable efforts made to reunify the family, the safety of the child and the permanency plan for the child. During this review:
 - (I) The department of family services shall present to the court:
 - (1) If the permanency plan is classified as another planned permanent living arrangement, documentation of the ongoing and unsuccessful efforts to return the child home or place the child for adoption or with a legal guardian or a fit and willing relative for purposes of guardianship or adoption, including evidence of efforts to use social media or other search technology to find biological family members for the child; and
 - (2) Efforts made to ensure that the child is provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104.
 - (II) The court shall:
 - (1) Determine whether the permanency plan is in the best interest of the child and whether the department of family services has made reasonable efforts to finalize the plan;
 - (2) Order the department of family services to take any additional steps necessary to effectuate the terms of the permanency plan;
 - (3) Ask the child or, if the child is not present at the review, the child's guardian ad litem or other legal representative about the child's desired permanency outcome;

- (4) If the permanency plan is classified as another planned permanent living arrangement:
 - a. Make a judicial determination and explain why, as of the date of the review, another planned permanent living arrangement is the best permanency plan for the child; and
 - b. Provide reasons why it continues not to be in the best interest of the child to return home or be placed for adoption or with a legal guardian, or be placed with a fit and willing relative for purposes of guardianship or adoption.
- (5) Make findings whether the child has been provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104.
- (ii) The court 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. 14-3-435, or shall state on the record the reasons why an order for support was not entered;
- (iii) In cases where the child is placed in custody of the department, support shall be established by the department through a separate civil action;
- (iv) Any order regarding potential placement at a psychiatric residential treatment facility shall not specify a particular psychiatric residential treatment facility or level of care for the placement of the child.

Where child adjudged delinquent

- Under **W.S. 14-6-229(e)**, in cases where a child is ordered removed from the child's home:
 - (i) Repealed by Laws 1997, ch. 199, § 3.
 - (ii) If a child is committed or transferred to an agency or institution under this section:
 - (A) At least every three (3) months the agency or institution shall recommend to the court if the order should be continued;
 - (B) Not less than once every six (6) months, the court of jurisdiction shall conduct a formal review to assess and determine the appropriateness of the current placement, the reasonable efforts made to reunify the family, the safety of the child and the permanency plan for the child.
 - (l) The department of family services shall present to the court:
 - (1) If the permanency plan is classified as another planned permanent living arrangement, documentation of the ongoing and unsuccessful efforts to return the child home or place the child for adoption or with a legal guardian or a fit and willing relative for purposes of guardianship or adoption, including evidence of efforts to use social media or other search

- technology to find biological family members for the child; and
 - (2) Efforts made to ensure that the child is provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104.
 - (II) The court shall:
 - (1) Determine whether the permanency plan is in the best interest of the child and whether the department of family services has made reasonable efforts to finalize the plan;
 - (2) Order the department of family services to take any additional steps necessary to effectuate the terms of the permanency plan;
 - (3) Ask the child or, if the child is not present at the review, the child's guardian ad litem or other legal representative about the child's desired permanency outcome;
 - (4) If the permanency plan is classified as another planned permanent living arrangement:
 - a. Make a judicial determination and explain why, as of the date of the review, another planned permanent living arrangement is the best permanency plan for the child; and
 - b. Provide reasons why it continues not to be in the best interest of the child to return home or be placed for adoption or with a legal guardian, or be placed with a fit and willing relative for purposes of guardianship or adoption.
 - (5) Make findings whether the child has been provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104.
 - (iii) The court 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.
 - (v) Any order regarding potential placement at a psychiatric residential treatment facility shall not specify a particular psychiatric residential treatment facility or level of care for the placement of the child.

Where child adjudged in need of supervision

14-6-402. Definitions under Children in Need of Supervision Act.

In Wyoming, “another planned permanent living arrangement” means a permanency plan for youth sixteen (16) years of age or older other than reunification, adoption, legal guardianship or placement with a fit and willing relative.

- Under **W.S. 14-6-429(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:
 - (A) At least every three (3) months the agency or institution shall recommend to the court if the order should be continued;
 - (B) Not less than once every six (6) months, the court of jurisdiction shall conduct a formal review to assess and determine the appropriateness of the current placement, the reasonable efforts made to reunify the family, the safety of the child and the permanency plan for the child.
 - (I) The department of family services shall present to the court:
 - (1) If the permanency plan is classified as another planned permanent living arrangement, documentation of the ongoing and unsuccessful efforts to return the child home or place the child for adoption or with a legal guardian or a fit and willing relative for purposes of guardianship or adoption, including evidence of efforts to use social media or other search technology to find biological family members for the child; and
 - (2) Efforts made to ensure that the child is provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences as defined in W.S. 14-13-101(a)(i) to promote healthy child and adolescent development consistent with W.S. 14-13-101 through 14-13-104.
 - (II) The court shall:
 - (1) Determine whether the permanency plan is in the best interest of the child and whether the department of family services has made reasonable efforts to finalize the plan;
 - (2) Order the department of family services to take any additional steps necessary to effectuate the terms of the permanency plan;
 - (3) Ask the child or, if the child is not present at the review, the child’s guardian ad litem or other legal representative about the child’s desired permanency outcome;
 - (4) If the permanency plan is classified as another planned permanent living arrangement:
 - a. Make a judicial determination and explain why, as of the date of the review, another planned permanent

shall appear on behalf of the state at the hearing. Notice of the preliminary hearing shall be given to the county attorney, the detained person and his attorney. The court may delay the hearing only at the request of the detained person or his parent, guardian or his attorney. An emergency detention hearing may be waived at the request of the detained person or the detained person's attorney, except in cases where a licensed physician's assistant was the only examiner for the emergency detention. If an emergency detention hearing has been waived, the court may immediately conduct the involuntary hospitalization hearing, provided that a licensed physician's assistant shall not be the examiner for an involuntary hospitalization hearing.

Involuntary Hospitalization Proceedings

- Under **W.S. 25-10-110(o)**, In proceedings under this section involving a minor, the department shall, to the extent feasible, consult with the minor's parents or legal guardian.

Resources:

- Wyoming Juvenile Justice: www.wyjuvenilejustice.com
- Office of Justice Programs: www.ojp.usdoj.gov/saa/wy.htm
- Office of Juvenile Justice and Delinquency Program: www.ojjdp.gov
- Wyoming Juvenile Court System of Care:
<http://www.health.wyo.gov/mhsa/treatment/SystemofCare.html>
- Wyoming Juvenile Justice Continuum of Care:
http://www.wyjuvenilejustice.com/_pdfs/2010/new/Final%20CJSB%20Diagram.pdf
- Wyoming Guardian *Ad Litem* Program:
 - Rogers Building, 316 W. 22nd Street, Cheyenne, WY 82002
 - <http://gal.wyo.gov/>
 - Phone: 307-777-7480
 - Fax: 307-777-5331
- Children's Justice Project:
 - Court Services Division, Wyoming Supreme Court, 2301 Capitol Ave., Cheyenne, WY 82002
 - <http://courts.state.wy.us/CJP.aspx>
 - Phone: 307-777-7629
 - Fax: 307-777-3447
- Children's Law Center, Laramie, Wyoming
 - <http://wyoclc.org/contact-us.html>
 - Phone: (307) 632-3614
- **Equal Justice of Wyoming**
 - 211 West 19th Street, Ste. 300
Cheyenne, WY 82001
307-432-0807
1-877-432-9955 Toll free