

# 2010

## GAL Program Post-Session Summary



A summary of bills passed by the Wyoming Legislature that affect children and families in Juvenile Court.

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8/1/2010

*-NOTE: This document is offered as a summary of legislative activity, it is not legal advice, and is the opinion of the author, not the legislators or sponsors of the bills. Summaries of each bill can be found on the on the Wyoming State Legislature website at <http://legisweb.state.wy.us/>. Some of the language included in this document was taken directly from the Wyoming State Legislature bill summaries.*

The 2010 Wyoming Legislative Session convened on Monday February 8, 2010 and adjourned on Friday March 5, 2010. Information on bills that were introduced, including bills that failed and passed can be found at <http://legisweb.state.wy.us/2010/billsInfo.htm>. Archived audio recordings of the house and senate deliberations during the 2010 session can be found at <http://legisweb.state.wy.us/2010/audio/AudioMenu/AudioMenu.aspx>.

This summary includes nine (9) bills that passed both houses, were signed into law by the Governor, and may be of interest to guardians *ad litem* in Wyoming Juvenile Court. These include: (1) a house bill requiring the custodian of the alleged delinquent to ensure that a juvenile detention risk assessment is performed; (2) a house bill creating and expanding offenses for persons under the age of 21 who attempt to purchase and/or consume alcohol, with some exceptions; (3) a house bill regulating the use of tanning salons by minors; (4) a house bill amending W.S. 6-2-314, the penalties for the sexual abuse of a minor in the first degree; (5) a house bill regarding the termination of the parent-child relationship; (6) a house bill amending W.S. 21-4-102 and the Wyoming compulsory school attendance requirements; (7) a house bill enhancing the sentence for homicide of a pregnant woman and amending the current sentencing statutes accordingly; (8) a senate file amending W.S. 20-2-401 and the requirements for medical support of dependent children; and (9) a senate file that requires the development and implementation of uniform standards for juvenile detention facilities.

(1) HB0012	Juvenile detention facilities admissions criteria	Sponsor: Judiciary	Chapter 0022	Date Signed by Governor: 3/4/10	Effective Date: 7/1/10
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This bill amended the processes and procedures by which a juvenile offender may be detained and defines the types of detention facilities. Beginning on July 1, 2010, any person taking into their custody an alleged delinquent minor is required to ensure that a uniform risk assessment, as designed by the county sheriffs, be performed to determine whether the child is a risk to themselves or others. This risk assessment determines whether the child should be held in a hardware secure juvenile detention facility, a medical facility or a staff secure juvenile detention facility prior to their appearance in court.

If the minor is not initially held in a hardware secure juvenile detention facility, a shelter care facility, staff secure juvenile detention facility or released to a parent, guardian or custodian and there is no space available in a shelter care facility or staff secure juvenile detention facility, the minor may then be held in a hardware secure juvenile detention facility. However, if the minor is under the age of 11, they cannot be held in a hardware secure facility and instead may be detained and transported for an emergency mental health evaluation if they are deemed to pose a risk to themselves or others.

In addition, if the minor is taken into custody and is not released to a parent, guardian or custodian, then the person taking the minor into custody is responsible for notifying the parents of the detention of the minor no later than 24 hours after taking the minor into custody.

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/HB0012.pdf>

(2) HB0013	Underage Drinking	Sponsor: Judiciary	Chapter 0006	Date Signed by Governor: 3/3/10	Effective Date: 7/1/10
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This bill expanded W.S. 12-6-101 regarding the sale or possession of alcohol by a minor. Effective July 1, 2010, no person under the age of 21 may purchase, attempt to purchase, get someone else to purchase, possess or consume alcoholic liquor, malt beverages or ethyl alcohol; nor may they have a measurable blood, breath or urine alcohol concentration. The new subsections provide for some exceptions including alcohol consumption or possession when the minor is in the physical presence of a parent, spouse or legal guardian who is 21 or older, as part of a religious service, for medicinal purposes or as a part of their employment.

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/HB0013.pdf>

(3) HB0063	Tanning Salons- minors	Sponsor: Millin	Chapter 0114	Date Signed by Governor: 3/1/10	Effective Date: 7/1/10
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This bill created W.S. 14-3-108 which regulates the use of ultraviolet tanning devices by minors. It provides that no minor under the age of 15 may use an ultraviolet tanning device unless their parent or legal guardian consents in writing and is present during the entire time of use. If the minor is between the ages of 15 and the age of majority (18), written consent must be obtained by the minor's parent or legal guardian. Any other person allowing the use of such a tanning device must demand proof of age through any documentation as outlined in subsection (a). Any person who violates this provision is guilty of a misdemeanor and subject to a \$250 fine.

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/HB0063.pdf>

(4) HB0064	Mandatory Minimum Sentence for Sexual Abuse of a Minor	Sponsor: Millin	Chapter 0110	Date Signed by Governor: 3/11/10	Effective Date: 7/1/10
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This bill added an additional subsection to W.S. 6-2-314, creating a mandatory minimum sentence for first degree sexual abuse of a minor. Prior to the legislative change, a person convicted of first degree sexual abuse of a minor was subject to imprisonment for not more than 50 years. Under the new law, if the actor is at least 21 and is convicted of first degree sexual abuse of a minor under 13, they will now be subject to imprisonment for no less than 25 years and no more than 50 years, unless the actor had a prior sexual offense conviction, in which case, the actor could be subject to a sentence of life imprisonment without the possibility of parole.

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/HB0064.pdf>

(5) HB0075	Loss of Parental Rights- Homicide of Spouse	Sponsor: Davison	Chapter 0055	Date Signed by Governor: 3/5/10	Effective Date: 7/1/10
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This bill amended W.S. 14-2-309 and created an additional provision by which a parent-child relationship could be terminated. Parental rights may now be terminated if the parent is “convicted of murder or homicide of the other parent of the child...”

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/HB0075.pdf>

(6) HB0109	Compulsory School Attendance-3	Sponsor: Hammons	Chapter 0025	Date Signed by Governor: 3/4/10	Effective Date: 7/1/10
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This bill amended W.S. 21-4-102 and requires that a parent, guardian or custodian of a child under the age of 18 must meet with a school district counselor or administrator, in person ,and provide written consent of withdrawal from school attendance.

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/HB0109.pdf>

(7) HB0132	Homicide During Pregnancy	Sponsor: Davison	Chapter 0054	Date Signed by Governor: 3/5/10	Effective Date: 7/1/10
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This bill created a sentence enhancement for the homicide of a pregnant woman if the actor knew that the victim was pregnant at the time of the commission of the homicide. The sentence enhancement for a conviction of murder in the second degree is a term not less than 40 years or during life as opposed to a term of not less than twenty years or during life without the sentence enhancement. The sentence enhancement for a conviction of manslaughter or drug induced homicide is a term of not less than ten years nor more than thirty years as opposed to not more than twenty years without the sentence enhancement.

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/HB0132.pdf>

(8) SB0008	Medical Support of Children	Sponsor: Judiciary	Chapter 0012	Date Signed by Governor: 3/3/10	Effective Date: 7/1/10
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This bill amended W.S. 20-2-401 and 20-2-406 and changed the requirements for medical support of dependent children applicable to parents under the Uniform Interstate Family Support Act. Under the amended statute, child support orders must show that one or both of the parents provide insurance coverage if it can be obtained at a reasonable cost and if the benefits are accessible to the child or children. Also, the child support order must show that both parents are liable to pay any medical expenses not covered by insurance.

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/SF0008.pdf>

(9) SB0009	Juvenile Detention Facilities Standards	Sponsor: Judiciary	Chapter 0021	Date Signed by Governor: 3/4/10	Effective Date: 7/1/10
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This bill provided three requirements in meeting new standards for juvenile detention facilities. The first is that sheriffs in conjunction with the operators of these juvenile detention facilities “develop and implement uniform standards,” taking into consideration the national criteria for the operation of hardware secure and staff secure juvenile detention facilities. The second is that, “no minor shall be detained... unless the facility has adopted the standard specified.” Finally, the sheriffs are required to report to the joint judiciary interim committee by November 15, 2012 detailing their progress. Subsection (e) provides for the exception that nothing in this section applies to the Wyoming Boys’ or Girls’ schools.

The enrolled act can be found at: <http://legisweb.state.wy.us/2010/Enroll/SF0009.pdf>