

HB0107

Sexual assault parental rights.

Sponsored By: Representative(s) Blackburn, Clem, Clifford,
Henderson, Miller, Newsome and Pelkey and Senator(s)
Case and Nethercott

AN ACT relating to termination of parental rights; including sexual assault as a factor that a court may consider to terminate parental rights as specified; specifying no reunification effort is required; and providing for an effective date.

1/9/2019 Bill Number Assigned
1/10/2019 H Received for Introduction
1/23/2019 H Introduced and Referred to H01 - Judiciary
1/31/2019 H01 - Judiciary:Recommend Do Pass 8-1-0-0

ROLL CALL

Ayes: Representative(s) Burlingame, Gray, Jennings, Kirkbride, Pelkey, Pownall, Salazar, Washut

Nays: Representative Stith

Ayes 8 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

1/31/2019 H Placed on General File

HB0107HW001/ADOPTED

Page 2-line 5 Delete "and" and insert ",".
Page 2-line 6 After "assault" insert "and a showing that the parent is unfit to have the custody and control of the child".
Page 2-line 11 Delete ", 6-2-303," and insert "or"; delete "through 6-2-316". STITH

HB0107HW002/FAILED

Page 2-line 10 Delete "engaged in conduct that is prohibited" and insert "was convicted of an offense".
Page 2-line 12 After "jurisdiction" delete balance of line.
Page 2-line 13 Delete line through "assault".
Page 2-line 16 Delete ";" and insert "."
Page 2-lines 18 through 21 Delete entirely. STITH

2/4/2019 H COW:Passed

HB0107H2001/ADOPTED

Delete the Stith committee of the whole amendment (HB0107HW001/A) entirely and further amend as follows:

Page 2-line 10 Delete "engaged in conduct that is prohibited" and insert "was convicted of an offense".
Page 2-line 12 After "jurisdiction" delete balance of line.
Page 2-line 13 Delete line through "assault".
Page 2-line 16 Delete ";" and insert "."
Page 2-lines 18 through 21 Delete entirely. BLACKBURN

2/5/2019 H 2nd Reading:Passed
2/6/2019 H 3rd Reading:Passed 54-5-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Miller, Newsome, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Styvar, Sweeney, Tass, Washut, Western, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Clausen, Greear, Nicholas, Stith, Walters

Excused: Representative Northrup

Ayes 54 **Nays** 5 **Excused** 1 **Absent** 0 **Conflicts** 0

2/7/2019 S Received for Introduction
2/7/2019 S Introduced and Referred to S01 - Judiciary
2/11/2019 S01 - Judiciary:Recommend Amend and Do Pass 3-1-1-0-0

ROLL CALL

Ayes: Senator(s) Anselmi-Dalton, Boner, Kost

Nays: Senator Von Flatern

Excused: Senator Nethercott

Ayes 3 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

2/11/2019 S Placed on General File

HB0107SS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 4 After "required;" insert "specifying no impairment to child support obligations or inheritance rights;".
Page 2-line 6 After "result of" delete "the" and insert "a"; after "sexual assault" insert "as provided by W.S. 6-2-302 and 6-2-303, a sexual abuse of a minor as provided by W.S. 6-2-314 through 6-2-317, a sexual exploitation of a child as provided by W.S. 6-4-303 or incest as provided by W.S. 6-4-402".
Page 2-lines 9 through 12 Delete entirely.
Page 2-line 14 Delete "(B)" and insert "(A)".
Page 2-line 15 Delete "." and insert ";".
Page 2-after line 15 Insert:
 "(B) Nothing in this section shall be construed to terminate any obligation of a parent who conceived a child through sexual assault to provide child support pursuant to W.S. 20-2-301 through 20-2-316 or the inheritance rights of the child under W.S. 2-4-101 unless waived by the other parent.". VON FLATERN, ACTING CHAIRMAN

HB0107SW001/ADOPTED

(TO ENGROSSED COPY)

Page 2-after line 15 Insert:
 "(C) This paragraph shall not apply if the parent seeking termination was married to or cohabiting with the parent committing the sexual assault resulting in the birth of the child for not less than two (2) years immediately after the birth of the child. Nothing in this subparagraph shall be construed as limiting a parent from seeking termination under another provision of this section or from seeking sole custody under title 20, chapter 5 of the Wyoming statutes.". ANSELMI-DALTON

2/21/2019 S COW:Passed
2/22/2019 S 2nd Reading:Passed
2/25/2019 S 3rd Reading:Passed 28-1-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Nays: Senator Kinskey

Excused: Senator Agar

Ayes 28 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

2/26/2019 H Received for Concurrence

2/26/2019 H Concur:Failed 24-35-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Burlingame, Clifford, Connolly, Dayton-Selman, Freeman, Furphy, Gray, Hallinan, Kirkbride, Miller, Newsome, Pelkey, Roscoe, Salazar, Schwartz, Simpson, Sommers, Sweeney, Western, Winter, Yin

Nays: Representative(s) Brown, Burkhart, Clausen, Clem, Crank, Duncan, Edwards, Eklund, Eyre, Flitner, Greear, Haley, Harshman, Henderson, Hunt, Jennings, Kinner, Larsen, Laursen, Lindholm, Loucks, MacGuire, Nicholas, Obermueller, Olsen, Paxton, Piiparinen, Pownall, Stith, Styvar, Tass, Walters, Washut, Wilson, Zwonitzer

Excused: Representative Northrup

Ayes 24 **Nays** 35 **Excused** 1 **Absent** 0 **Conflicts** 0

2/26/2019 H Appointed JCC01 Members
Representative(s) Greear, Clem, Pelkey

2/26/2019 S Appointed JCC01 Members
Senator(s) Anselmi-Dalton, Nethercott, Schuler

2/27/2019 H Adopted HB0107JC001: 59-0-1-0-0

HB0107JC001/HADOPTED (TO ENGROSSED COPY)

Delete the following Senate amendment:

HB0107SS001/AE

Adopt the following Senate amendment:

HB0107SW001/AE

GREEAR, CLEM, PELKEY, ANSELMI-DALTON, NETHERCOTT, SCHULER

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Miller, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

Excused: Representative Northrup

Ayes 59 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/27/2019 S Adopted HB0107JC001: 29-0-1-0-0

HB0107JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)

Delete the following Senate amendment:

HB0107SS001/AE

Adopt the following Senate amendment:

HB0107SW001/AE

GREEAR, CLEM, PELKEY, ANSELMI-DALTON, NETHERCOTT, SCHULER

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Excused: Senator Agar

Ayes 29 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/27/2019 Assigned Number HEA No. 0122
2/27/2019 H Speaker Signed HEA No. 0122
2/27/2019 S President Signed HEA No. 0122
3/8/2019 Governor Signed HEA No. 0122
3/8/2019 Assigned Chapter Number 180

Chapter No. 180 Session Laws of Wyoming 2019