

ORIGINAL HOUSE  
BILL NO. 0133

ENROLLED ACT NO. 93, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

AN ACT relating to domestic violence; authorizing the award of costs and fees; amending provisions for appointment of counsel and hearing requirements; amending definition of domestic abuse; and providing for an effective date.

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

**Section 1.** W.S. 9-1-636(d)(v) and (vi)(intro), 35-21-102(a)(iii), 35-21-103(e) and by creating a new subsection (h) and 35-21-104(a)(iii) and (iv) are amended to read:

**9-1-636. Division of victim services; created; appointment of director and deputy director; administrative and clerical employees; definitions.**

(d) As used in this act:

(v) "Domestic abuse" means ~~physical abuse, threats of physical abuse or acts which unreasonably restrain the personal liberty of any household member by any other household member~~ as defined by W.S. 35-21-102(a)(iii);

(vi) "Household member" means ~~+~~ as defined by W.S. 35-21-102(a)(iv).

**35-21-102. Definitions.**

(a) As used in this act:

(iii) "Domestic abuse" means ~~physical abuse, threats of physical abuse or acts which unreasonably restrain the personal liberty of any household member by any other household member;~~ the occurrence of one (1) or

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more of the following acts by a household member but does not include acts of self defense:

(A) Physically abusing, threatening to physically abuse, attempting to cause or causing physical harm or acts which unreasonably restrain the personal liberty of any household member;

(B) Placing a household member in reasonable fear of imminent physical harm; or

(C) Causing a household member to engage involuntarily in sexual activity by force, threat of force or duress.

**35-21-103. Petition for order of protection; contents; prerequisites; counsel to be provided petitioners; award of costs and fees.**

(e) The clerk of the court shall make available standard petition forms with instructions for completion to be used by a petitioner. Forms are to be prepared by the victim services division within the office of the attorney general. Upon receipt of the initial petition by the clerk of the court, the clerk shall refer the matter to the court. The court may appoint an attorney to assist and advise the petitioner, ~~and may order the respondent to pay the petitioner's attorney's fees.~~ or the petitioner may hire an attorney or file pro se.

(h) The court may require the respondent to pay costs and fees incurred in bringing an action pursuant to this act including reasonable attorney's fees whether the attorney is court appointed or retained by petitioner.

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**35-21-104. Temporary order of protection; setting hearing.**

(a) Upon the filing of a petition for order of protection, the court shall:

(iii) Hold a hearing on the petition within seventy-two (72) hours after the granting of the temporary order of protection, ~~hold a hearing~~ or as soon thereafter as the petition may be heard by the court on the question of continuing the order; or

(iv) If an ex parte order is not granted, serve notice to appear upon the parties and hold a hearing on the petition for order of protection within seventy-two (72) hours after the filing of the petition or as soon thereafter as the petition may be heard by the court.

**Section 2.** W.S. 9-1-636(d)(vi)(A) through (G) is repealed.

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**Section. 3** This act is effective July 1, 2003.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk