

SENATE FILE NO. SF0103

Domestic abuse and protection.

Sponsored by: Senator(s) Goodenough

A BILL

for

1 AN ACT relating to domestic violence protection; amending  
2 definitions; providing for the award of attorneys fees and  
3 costs; amending provisions relating to temporary orders of  
4 protection; providing conforming amendments; modifying  
5 notice requirements in change of name petitions in certain  
6 cases; and providing for an effective date.

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

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10       **Section 1.**       W.S. 1-25-103, 9-1-636(d)(v),  
11 35-21-102(a)(iii), 35-21-103(e) and by creating a new  
12 subsection (h) and 35-21-104(a)(iii) and (iv) are amended  
13 to read:

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15       **1-25-103. Notice to be given by publication.**

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1 Public notice of the petition for a change of name shall be  
2 given in the same manner as service by publication upon  
3 nonresidents in civil actions. Public notice is not  
4 required when the petitioner has previously been granted an  
5 order of protection, requests in the petition for a change  
6 of name that the requirement of public notice be waived and  
7 provides a copy of the protection order to the court.

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

12  
13 (d) As used in this act:

14  
15 (v) "Domestic abuse" means ~~physical abuse,~~  
16 ~~threats of physical abuse or acts which unreasonably~~  
17 ~~restrain the personal liberty of~~ the occurrence of one (1)  
18 or more of the following acts committed against any  
19 household member by any other household member, ~~+~~ but does  
20 not include acts of self defense:

21  
22 (A) Physical abuse, threats of physical  
23 abuse, causing physical harm, attempting to cause physical

1 harm or other acts that unreasonably restrain personal  
2 liberty;

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4 (B) Placing a household member in fear of  
5 physical harm; or

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7 (C) Involuntary sexual activity occurring  
8 through force, the threat of force or duress.

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10 **35-21-102. Definitions.**

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12 (a) As used in this act:

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14 (iii) "Domestic abuse" means ~~physical abuse,~~  
15 ~~threats of physical abuse or acts which unreasonably~~  
16 ~~restrain the personal liberty of~~ the occurrence of one (1)  
17 or more of the following acts committed against any  
18 household member by any other household member, ~~+~~ but does  
19 not include acts of self defense:

20

21 (A) Physical abuse, threats of physical  
22 abuse, causing physical harm, attempting to cause physical  
23 harm or other acts that unreasonably restrain personal  
24 liberty;

1

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

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(C) Involuntary sexual activity occurring through force, the threat of force or duress.

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

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(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.

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(h) Upon granting a petition under this section, the court may require the respondent to pay costs and fees

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1 incurred in bringing the action, including a reasonable  
2 attorney's fee whether the attorney is appointed by the  
3 court or retained by petitioner.

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5 **35-21-104. Temporary order of protection; setting**  
6 **hearing.**

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

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11 (iii) Hold a hearing on the petition within  
12 seventy-two (72) hours after the granting of the temporary  
13 order of protection, ~~hold a hearing on the question of~~  
14 ~~continuing the order~~ or as soon thereafter as the cause may  
15 be heard by the court. Once a temporary order of  
16 protection has issued, it remains in effect until replaced  
17 by an order of protection, is vacated by order of the court  
18 or the case is dismissed; or

19  
20 (iv) If an ex parte order is not granted, serve  
21 notice to appear upon the parties and hold a hearing on the  
22 petition for order of protection within seventy-two (72)  
23 hours after the filing of the petition or as soon  
24 thereafter as the cause may be heard by the court.

