

SENATE FILE NO. SF0139

Safe child act.

Sponsored by: Senator(s) Schuler, Anselmi-Dalton and Kost and
Representative(s) Blake, Dayton and Duncan

A BILL

for

1 AN ACT relating to courts and domestic relations; authorizing
2 the supreme court and district courts to provide instruction
3 to judges related to domestic violence; requiring domestic
4 violence training for department of family services personnel
5 as specified; amending procedures for awarding visitation in
6 custody cases related to family violence; and providing for
7 an effective date.

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

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11 **Section 1.** W.S. 5-2-124 is created to read:

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13 **5-2-124. Domestic violence response training for**
14 **judges.**

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1 (a) Except as provided in subsection (b) of this
2 section, the supreme court may require all judges, justices
3 and relevant court personnel to complete ongoing training in
4 the latest best practices and research in responses to
5 domestic violence designed to improve the ability of Wyoming
6 courts to recognize and respond to cases involving domestic
7 violence and shall include current and valid scientific
8 research.

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10 (b) The judicial conference of district judges may
11 elect to require all district judges to complete the training
12 specified in subsection (a) of this section.

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14 **Section 2.** W.S. 14-3-203(c) by creating a new paragraph
15 (vii) and 20-2-201(c) and by creating a new subsection (j)
16 are amended to read:

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18 **14-3-203. Duties of state agency; on-call services.**

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20 (c) The state agency shall ensure that all child
21 protective service workers are trained:

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1 (vii) In the latest best practices and research in
2 domestic violence to enhance the ability of all child
3 protective service workers to recognize and respond to cases
4 involving domestic violence.

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6 **20-2-201. Disposition and maintenance of children in**
7 **decree or order; access to records.**

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9 (c) The court shall consider evidence of spousal abuse
10 or child abuse as being contrary to the best interest of the
11 children. If the court finds that family violence has
12 occurred, the court shall make arrangements for visitation in
13 accordance with this subsection and subsection (j) of this
14 section and in a manner that best protects the children and
15 the abused spouse from further harm. In making arrangements
16 for visitation under this subsection the court may appoint a
17 domestic violence expert or advocate on behalf of the
18 children. A court shall award visitation to a parent who has
19 committed family violence only if it finds that adequate
20 provision can be made for the physical safety and
21 psychological well-being of the children and for the safety
22 of the abused spouse. Before awarding visitation under this
23 subsection the court shall consider:

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(i) The health of the children and the abused spouse as the primary factors for making visitation arrangements under this subsection;

(ii) Any history of the spouses in causing physical harm, bodily injury or assault to another person and any pattern of coercive and controlling tactics likely to cause fear and stress to the abused spouse and children.

(j) In fashioning a visitation order under subsection (c) of this section, the court may:

(i) Order an exchange of the children to occur in a supervised and protected setting;

(ii) Order visitation supervised by another person or a child protective agency;

(iii) Order the offending spouse to attend and complete to the court's satisfaction a program of intervention and accountability for persons who have committed family violence as a condition of visitation;

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(iv) Order the offending spouse to abstain from the possession and consumption of alcohol or controlled substances during the visitation and for twenty-four (24) hours before the visitation;

(v) Prohibit overnight visitation;

(vi) Order the address of the children and the abused spouse to be kept confidential;

(vii) Impose any other condition that is deemed necessary to provide for the safety of the children, the abused spouse or any other sibling of the children or household member residing with the abused spouse.

Section 3. This act is effective July 1, 2019.

(END)