

HOUSE BILL NO. HB0245

Court ordered placement-child support.

Sponsored by: Representative(s) Provenza and Zwonitzer, Dn
and Senator(s) Barlow

A BILL

for

1 AN ACT relating to children; amending the Child Protection
2 Act, Juvenile Justice Act and Children in Need of
3 Supervision Act to remove the mandatory requirement for
4 courts to establish child support obligations on parents
5 when their child is in a court ordered placement as
6 specified; removing an employment or community service
7 requirement; making conforming amendments; and providing
8 for an effective date.

9

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

11

12 **Section 1.** W.S. 14-3-429(c)(ii) and (iii),
13 14-3-435(a), 14-6-229(e)(iii) and (iv), 14-6-236(a),
14 14-6-429(c)(ii) and (iii), 14-6-435(a) and 21-13-315(f) are
15 amended to read:

1

2 **14-3-429. Decree where child adjudged neglected;**
3 **dispositions; terms and conditions; legal custody.**

4

5 (c) In cases where a child is ordered removed from
6 the child's home:

7

8 (ii) The court ~~shall~~may order the parents or
9 other legally obligated person to pay a reasonable sum for
10 the support and treatment of the child ~~as required by~~
11 pursuant to W.S. 14-3-435, ~~or~~ and, if applicable, shall
12 state on the record the reasons why an order for support
13 was ~~not~~ entered;

14

15 (iii) In cases where the child is placed in
16 custody of the department and support is ordered under
17 paragraph (ii) of this subsection, support shall be
18 established by the department through a separate civil
19 action;

20

21 **14-3-435. Ordering payment for support and treatment**
22 **of child; how paid; enforcement.**

23

1 (a) When legal custody of a child, other than
2 temporary guardianship, is vested by court order in an
3 individual, agency, institution or organization other than
4 the child's parents, the court ~~shall~~may in the same or any
5 subsequent proceeding inquire into the financial condition
6 of the child's parents or any other person who may be
7 legally obligated to support the child. After due notice
8 and hearing the court ~~shall~~may order the parents or any
9 other legally obligated person to pay a reasonable sum for
10 the support and treatment of the child during the time that
11 a dispositional order is in force, provided that the child
12 support action is initiated by the department. If the court
13 enters a support obligation under this section, the
14 requirements of W.S. ~~20-2-101~~20-2-301 through 20-2-406
15 apply to this section. If the court enters a support
16 obligation under this section, the amount of support shall
17 be determined in accordance with the presumptive child
18 support established by W.S. 20-2-304. In any case where
19 the court has deviated from the presumptive child support,
20 the reasons therefor shall be specifically set forth in the
21 order. The amount ordered to be paid shall be paid to the
22 clerk of the juvenile court for transmission to the person,
23 institution or agency having legal custody of the child or

1 to whom compensation is due. The clerk of court is
2 authorized to receive periodic payments payable in the name
3 or for the benefit of the child, including but not limited
4 to social security, veteran's administration benefits or
5 insurance annuities, and apply the payments as the court
6 directs. An order for support under this subsection shall
7 include a statement of the addresses and social security
8 numbers if known, of each obligor, the names and addresses
9 of each obligor's employer and the names and birth dates of
10 each child to whom the order relates. The court shall order
11 each obligor to notify the clerk of court in writing within
12 fifteen (15) days of any change in address or employment.
13 ~~If any person who is legally obligated to support the child~~
14 ~~does not have full time employment, the court may require~~
15 ~~that person to seek full time employment and may require~~
16 ~~community service work in lieu of payment until full time~~
17 ~~employment is obtained.~~

18

19 **14-6-229. Decree where child adjudged delinquent;**
20 **dispositions; terms and conditions; legal custody.**

21

22 (e) In cases where a child is ordered removed from
23 the child's home:

1

2 (iii) The court ~~shall~~may order the parents or
3 other legally obligated person to pay a reasonable sum for
4 the support and treatment of the child as required by W.S.
5 14-6-236,~~or~~ and, if applicable, shall state on the record
6 the reasons why an order for support was ~~not~~ entered;

7

8 (iv) In cases where the child is placed in
9 custody of the department and support is ordered under
10 paragraph (iii) of this subsection, support shall be
11 established by the department through a separate civil
12 action;

13

14 **14-6-236. Ordering payment for support and treatment**
15 **of child; how paid; enforcement.**

16

17 (a) When legal custody of a child, other than
18 temporary guardianship, is vested by court order in an
19 individual, agency, institution or organization other than
20 the child's parents, the court ~~shall~~may in the same
21 proceeding inquire into the financial condition of the
22 child's parents or any other person who may be legally
23 obligated to support the child. After due notice and

1 hearing the court ~~shall~~may order the parents or any other
2 legally obligated person to pay a reasonable sum for the
3 support and treatment of the child during the time that a
4 dispositional order is in force, provided that the child
5 support action is initiated by the department. If the court
6 enters a support obligation under this section, the
7 requirements of W.S. ~~20-2-101~~20-2-301 through 20-2-406
8 apply to this section. If the court enters a support
9 obligation under this section, the amount of support shall
10 be determined in accordance with the presumptive child
11 support established by W.S. 20-2-304. In any case where
12 the court has deviated from the presumptive child support,
13 the reasons therefor shall be specifically set forth in the
14 order. The amount ordered to be paid shall be paid to the
15 clerk of the district court for transmission to the person,
16 institution or agency having legal custody of the child or
17 to whom compensation is due. The clerk of court is
18 authorized to receive periodic payments payable in the name
19 or for the benefit of the child, including but not limited
20 to social security, veteran's administration benefits or
21 insurance annuities, and apply the payments as the court
22 directs. An order for support under this subsection shall
23 include a statement of the addresses and social security

1 numbers if known, of each obligor, the names and addresses
2 of each obligor's employer and the names and birthdates of
3 each child to whom the order relates. The court shall order
4 each obligor to notify the clerk of court in writing within
5 fifteen (15) days of any change in address or employment.
6 ~~If any person who is legally obligated to support the child~~
7 ~~does not have full time employment, the court may require~~
8 ~~that person to seek full time employment and may require~~
9 ~~community service work in lieu of payment until full time~~
10 ~~employment is obtained.~~

11

12 **14-6-429. Decree where child adjudged in need of**
13 **supervision; dispositions; terms and conditions; legal**
14 **custody.**

15

16 (c) In cases where a child is ordered removed from
17 the child's home:

18

19 (ii) The court ~~shall~~may order the parents or
20 other legally obligated person to pay a reasonable sum for
21 the support and treatment of the child as required by W.S.
22 14-6-435,~~or~~ and, if applicable, shall state on the record
23 the reasons why an order for support was ~~not~~ entered;

1

2 (iii) In cases where the child is placed in
3 custody of the department and support is ordered under
4 paragraph (ii) of this subsection, support shall be
5 established by the department through a separate civil
6 action;

7

8 **14-6-435. Ordering payment for support and treatment**
9 **of child; how paid; enforcement.**

10

11 (a) When legal custody of a child, other than
12 temporary guardianship, is vested by court order in an
13 individual, agency, institution or organization other than
14 the child's parents, the court ~~shall~~may in the same or any
15 subsequent proceeding inquire into the financial condition
16 of the child's parents or any other person who may be
17 legally obligated to support the child. After due notice
18 and hearing the court ~~shall~~may order the parents or any
19 other legally obligated person to pay a reasonable sum for
20 the support and treatment of the child during the time that
21 a dispositional order is in force, provided that the child
22 support action is initiated by the department. If the court
23 enters a support obligation under this section, the

1 requirements of W.S. ~~20-2-101~~20-2-301 through 20-2-406
2 apply to this section. If the court enters a support
3 obligation under this section, the amount of support shall
4 be determined in accordance with the presumptive child
5 support established by W.S. 20-2-304. In any case where the
6 court has deviated from the presumptive child support, the
7 reasons therefor shall be specifically set forth in the
8 order. The amount ordered to be paid shall be paid to the
9 clerk of the juvenile court for transmission to the person,
10 institution or agency having legal custody of the child or
11 to whom compensation is due. The clerk of court is
12 authorized to receive periodic payments payable in the name
13 or for the benefit of the child, including but not limited
14 to social security, veteran's administration benefits or
15 insurance annuities, and apply the payments as the court
16 directs. An order for support under this subsection shall
17 include a statement of the addresses and social security
18 numbers if known, of each obligor, the names and addresses
19 of each obligor's employer and the names and birth dates of
20 each child to whom the order relates. The court shall order
21 each obligor to notify the clerk of court in writing within
22 fifteen (15) days of any change in address or employment.
23 ~~If any person who is legally obligated to support the child~~

1 ~~does not have full time employment, the court may require~~
2 ~~that person to seek full time employment and may require~~
3 ~~community service work in lieu of payment until full time~~
4 ~~employment is obtained.~~

5

6 **21-13-315. Costs of court ordered placement of**
7 **children in private residential treatment facilities, group**
8 **homes, day treatment programs and juvenile detention**
9 **facilities.**

10

11 (f) Only group homes and residential treatment
12 facilities certified by the department of family services
13 are eligible to receive funding for residential and
14 treatment services under this section. Costs for education
15 services shall be paid by the department of education under
16 this section only if the educational program of the group
17 home or residential treatment facility or the program
18 provided by the board of cooperative educational services
19 meets the standards of subsection (b) of this section and
20 has been approved by the department. The department of
21 family services and the department of education shall
22 provide the courts with a list of approved facilities and
23 services. ~~The court shall determine the parents' or the~~

1 ~~guardian's contribution to the court ordered placement for~~
2 ~~all costs excluding necessary education costs based on the~~
3 ~~parents' or guardian's ability to pay as provided by W.S.~~
4 ~~14-6-236 or 14-6-435.~~

5

6 **Section 3.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

10

11

(END)