

SENATE FILE NO. SF0161

Parental rights-repealing conflicting statute.

Sponsored by: Senator(s) Biteman and Representative(s)
Jennings

A BILL

for

1 AN ACT relating to domestic relations; providing findings;
2 repealing a statute authorizing the establishment of
3 grandparents' visitation rights; making conforming
4 amendments; specifying applicability; and providing for an
5 effective date.

6

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

8

9 **Section 1.**

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11 (a) The legislature finds that:

12

13 (i) In 2017, the legislature enacted W.S.
14 14-2-206, which provides that the liberty of a parent to

1 the care, custody and control of a parent's child is a
2 fundamental right residing first in the parent;

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4 (ii) Both before and after the enactment of that
5 statute, the legislature has always intended to protect the
6 fundamental right of fit parents;

7

8 (iii) In recent years, Wyoming courts have not
9 consistently applied W.S. 14-2-206 with W.S. 20-2-701,
10 which authorizes grandparent visitation. Courts have
11 authorized grandparent visitation in cases where fit
12 parents have resisted grandparent visitation, leading to
13 situations where the fundamental rights and decisions of
14 parents have given way to visitation requests by
15 grandparents;

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17 (iv) W.S. 14-2-206 provides that the state, or
18 any agency of the state, shall not infringe a parent's
19 fundamental right without first demonstrating that the
20 governmental interest as applied to the parent is a
21 compelling state interest addressed by the least
22 restrictive means;

23

1 (v) This act is intended to remove any ambiguity
2 or conflict between the fundamental right of fit parents
3 and the right of grandparents to have visitation over the
4 objection of fit parents.

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6 **Section 2.** W.S. 1-22-104(c)(v) and 1-22-107(c) are
7 amended to read:

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9 **1-22-104. Petition for adoption of minor; by whom**
10 **filed; requisites; confidential nature; inspection;**
11 **separate journal to be kept.**

12

13 (c) The following documents shall be filed with every
14 petition to adopt a child:

15

16 (v) An affidavit stating the name or names of
17 persons awarded visitation rights to the child under W.S.
18 ~~20-7-101~~ or 20-7-102 or an affidavit stating that no
19 visitation rights under W.S. ~~20-7-101~~ or 20-7-102 have been
20 awarded in regard to the child;

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22 **1-22-107. Service of petition and order; when service**
23 **by publication permitted; exception.**

1

2 (c) Prior to the hearing a copy of the petition to
3 adopt a child and an order to show cause shall be served on
4 any persons awarded visitation rights to the child under
5 W.S. ~~20-7-101~~ or 20-7-102. The consent of persons awarded
6 visitation rights to the adoption is not required. However,
7 the court may exercise its discretion to allow those
8 persons an opportunity to be heard if the court finds it to
9 be in the best interest and welfare of the child.

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11 **Section 3.** W.S. 20-7-101 is repealed.

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13 **Section 4.** Nothing in this act shall be construed to
14 affect visitation rights granted to grandparents before the
15 effective date of this act.

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17 **Section 5.** This act is effective immediately upon
18 completion of all acts necessary for a bill to become law
19 as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21

22

(END)