

SENATE FILE NO. SF0007

Protection order amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to stalking, sexual assault and domestic  
2 violence protection orders; amending provisions regarding  
3 the appointment of counsel; amending filing, service and  
4 notice requirements for protection orders; authorizing  
5 orders extending protection orders to be served upon the  
6 respondent by mail as specified; specifying who may file a  
7 petition on behalf of a victim of domestic abuse; amending  
8 definitions; specifying applicability; and providing for an  
9 effective date.

10

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

12

13 **Section 1.** W.S. 7-3-506(a)(i), 7-3-507(d), 7-3-510(a)  
14 and (b), 35-21-102(a)(ii), 35-21-103(a) and (e) and  
15 35-21-106(a) and (b) are amended to read:

16

1           **7-3-506. Definitions.**

2

3           (a) As used in W.S. 7-3-506 through 7-3-512:

4

5                   (i) "Court" means the circuit court in the  
6 county where an alleged victim of stalking or sexual  
7 assault resides, ~~or~~ is found, where the alleged perpetrator  
8 of the stalking or sexual assault resides or is found or  
9 where an act of stalking or sexual assault occurred;

10

11           **7-3-507. Petition for order of protection; contents;**  
12 **prerequisites; appointment of an attorney; remote**  
13 **appearance at hearings.**

14

15           (d) The attorney general shall promulgate a standard  
16 petition form ~~which~~ that may be used by petitioners. The  
17 clerk of the circuit or district court shall make standard  
18 petition forms available to petitioners, with instructions  
19 for completion, without charge. If the petition is not  
20 filed by the district attorney, the court may appoint an  
21 attorney to represent ~~an indigent petitioner~~ the victim in  
22 the action. Nothing in this subsection shall prevent the  
23 victim from hiring an attorney or filing a petition pro se.

1

2           7-3-510. Service of order; duration and extension of  
3 order; violation; remedies not exclusive.

4

5           (a) An order of protection granted under W.S. 7-3-509  
6 shall be ~~served upon the respondent pursuant to the Wyoming~~  
7 ~~Rules of Civil Procedure. A copy of the order of protection~~  
8 ~~shall be filed with the sheriff of the county~~ filed with  
9 the clerk of court and a copy shall be sent by the clerk to  
10 the county sheriff who shall, after service, notify the  
11 local law enforcement agency within the county in which the  
12 petitioner resides. The order shall be personally served  
13 upon the respondent unless the respondent or the  
14 respondent's attorney was present in person or by remote  
15 means at the time the order was granted.

16

17           (b) Except as otherwise provided by this subsection,  
18 an order of protection granted by the court under W.S.  
19 7-3-509 shall be effective for a fixed period of time not  
20 to exceed three (3) years, subject to the following:-

21

22           (i) Either party may move to modify, terminate  
23 or extend the order. The order may be extended repetitively

1 upon a showing of good cause for additional periods of  
2 time, not to exceed three (3) years each, if the court  
3 finds from specific facts that a clear and present danger  
4 to the victim continues to exist. Any extension of an order  
5 of protection under this paragraph shall be served upon the  
6 respondent by mailing the order to the last known address  
7 of the respondent on file with the clerk of court by  
8 certified and first-class mail, and shall constitute valid  
9 notice of the extension;

10  
11 (ii) If a party subject to an order of  
12 protection is sentenced and incarcerated or becomes  
13 imprisoned, the running of the time remaining for the order  
14 of protection shall be tolled during the term of  
15 incarceration or imprisonment. The conditions and  
16 provisions of an order of protection shall remain in effect  
17 during any period of tolling under this subsection  
18 paragraph. Upon release from incarceration or imprisonment  
19 the effective period of the order of protection shall be  
20 the amount of time remaining as of the first day of the  
21 term of incarceration or imprisonment or one (1) year from  
22 the date of release, whichever is greater.

23

1           **35-21-102. Definitions.**

2

3           (a) As used in this act:

4

5                   (ii) "Court" means the circuit court ~~or, if the~~  
6 ~~county does not have a circuit court, the district court~~ in  
7 the county where ~~an~~ the alleged victim of domestic abuse  
8 resides or is found, where an alleged perpetrator of the  
9 domestic abuse resides or is found or where an act of  
10 domestic abuse occurred;

11

12           **35-21-103. Petition for order of protection;**  
13 **contents; prerequisites; appointment of an attorney; award**  
14 **of costs and fees; remote appearance at hearings.**

15

16           (a) ~~A victim of domestic abuse~~ The following persons  
17 may petition the court under this act by filing a petition  
18 with the circuit court clerk ~~or the district court clerk if~~  
19 ~~the county does not have a circuit court~~ for an order of  
20 protection:

21

22                   (i) The victim;

23

1           (ii) If the victim consents, the district  
2 attorney on behalf of the victim; or

3  
4           (iii) Any person with legal authority to act on  
5 behalf of the victim if the victim is:

6  
7                   (A) A minor;

8  
9                   (B) A vulnerable adult as defined in W.S.  
10 35-20-102(a)(xviii);

11  
12                   (C) Any other adult who, because of age,  
13 disability, health or inaccessibility, cannot file the  
14 petition.

15  
16           (e) The clerk of the court shall make available  
17 standard petition forms with instructions for completion to  
18 be used by a petitioner. Forms are to be prepared by the  
19 victim services division within the office of the attorney  
20 general. Upon receipt of the initial petition by the clerk  
21 of the court, the clerk shall refer the matter to the  
22 court. The court may appoint an attorney to ~~assist and~~  
23 ~~advise the petitioner or the petitioner may hire~~ represent

1 the victim in the action. Nothing in this subsection shall  
2 prevent the victim from hiring an attorney or ~~file~~ filing a  
3 petition pro se.

4  
5 **35-21-106. Service of order; duration and extension**  
6 **of order; violation; remedies not exclusive.**

7  
8 (a) An order of protection granted under ~~this act~~  
9 W.S. 35-21-105 shall be filed with the clerk of court and a  
10 copy shall be sent by the clerk to the county sheriff who  
11 shall, after service, notify the local law enforcement  
12 agency within the county in which the petitioner resides.  
13 The order shall be personally served upon the respondent,  
14 unless ~~he or his~~ the respondent or the respondent's  
15 attorney was present in person or by remote means at the  
16 time the order was ~~issued~~ granted.

17  
18 (b) Except as otherwise provided by this subsection,  
19 an order of protection granted by the court under W.S.  
20 35-21-105 shall be effective for a fixed period of time not  
21 to exceed three (3) years, subject to the following:-

22

1           (i) Either party may move to modify, terminate  
2 or extend the order. The order may be extended repetitively  
3 upon a showing of good cause for additional periods of time  
4 not to exceed three (3) years each. Any extension of an  
5 order of protection under this paragraph shall be served  
6 upon the respondent by mailing the order to the last known  
7 address of the respondent on file with the clerk of court  
8 by certified and first-class mail, and shall constitute  
9 valid notice of the extension;

10

11           (ii) If a party subject to an order of  
12 protection is sentenced and incarcerated or becomes  
13 imprisoned the running of the time remaining for the order  
14 of protection shall be tolled during the term of  
15 incarceration or imprisonment. The conditions and  
16 provisions of an order of protection shall remain in effect  
17 during any period of tolling under this subsection  
18 paragraph. Upon release from incarceration or imprisonment  
19 the effective period of the order of protection shall be  
20 the amount of time remaining as of the first day of the  
21 term of incarceration or imprisonment or one (1) year from  
22 the date of release, whichever is greater. The filing of an



1    action    for    divorce    shall    not    supersede    an    order    of  
2    protection granted under this act.

3

4           **Section 2.** This act shall apply to petitions for  
5 stalking, sexual assault and domestic violence protection  
6 orders that are filed on and after July 1, 2025.

7

8       **Section 3.** This act is effective July 1, 2025.

9

10 ( END )