

ORIGINAL SENATE
FILE NO. SF0007

ENROLLED ACT NO. 33, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

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

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

7-3-506. Definitions.

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

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

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

(d) The attorney general shall promulgate a standard petition form ~~which~~that may be used by petitioners. The clerk of the circuit or district court shall make standard petition forms available to petitioners, with instructions for completion, without charge. If the petition is not

ORIGINAL SENATE
FILE NO. SF0007

ENROLLED ACT NO. 33, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

filed by the district attorney, the court may appoint an attorney to represent ~~an indigent petitioner~~ the victim in the action. Nothing in this subsection shall prevent the victim from hiring an attorney or filing a petition pro se.

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

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

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

(i) Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time, not to exceed three (3) years each, if the court finds from specific facts that a clear and present danger to the victim continues to exist. Any extension of an order of protection under this paragraph shall be served upon the respondent by mailing the order to the last known address of the respondent on file with the clerk of court by

ORIGINAL SENATE
FILE NO. SF0007

ENROLLED ACT NO. 33, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

certified and first-class mail, and shall constitute valid notice of the extension;

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

35-21-102. Definitions.

(a) As used in this act:

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

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

(a) ~~A victim of domestic abuse~~The following persons may petition the court under this act by filing a petition with the circuit court clerk ~~or the district court clerk if~~

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FILE NO. SF0007

ENROLLED ACT NO. 33, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

~~the county does not have a circuit court~~ for an order of
protection:

(i) The victim;

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

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

(A) A minor;

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

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

(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 or the petitioner may hire~~ represent
the victim in the action. Nothing in this subsection shall
prevent the victim from hiring an attorney or ~~file~~ filing a
petition pro se.

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

ORIGINAL SENATE
FILE NO. SF0007

ENROLLED ACT NO. 33, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

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

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

(ii) If a party subject to an order of protection is sentenced and incarcerated or becomes imprisoned the running of the time remaining for the order of protection shall be tolled during the term of incarceration or imprisonment. The conditions and provisions of an order of protection shall remain in effect during any period of tolling under this subsection ~~paragraph~~. Upon release from incarceration or imprisonment the effective period of the order of protection shall be the amount of time remaining as of the first day of the

ORIGINAL SENATE
FILE NO. SF0007

ENROLLED ACT NO. 33, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

term of incarceration or imprisonment or one (1) year from the date of release, whichever is greater. The filing of an action for divorce shall not supersede an order of protection granted under this act.

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk