

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; extending the time to set a  
 4 hearing on a petition; amending filing, service and notice  
 5 requirements for protection orders; authorizing orders  
 6 extending protection orders to be served upon the  
 7 respondent by mail as specified; specifying who may file a  
 8 petition on behalf of a victim of domestic abuse; amending  
 9 definitions; specifying applicability; and providing for an  
 10 effective date.

11

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

13

14           **Section**       1. W.S.       7-3-506(a)(i),       7-3-507(d),  
 15 7-3-508(a),       7-3-510(a)       and       (b),       35-21-102(a)(ii),

1 35-21-103(a) and (e), 35-21-104(a)(iii) and (iv) and  
2 35-21-106(a) and (b) are amended to read:

3

4 **7-3-506. Definitions.**

5

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

7

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

13

14 **7-3-507. Petition for order of protection; contents;  
15 prerequisites; appointment of an attorney; remote  
16 appearance at hearings.**

17

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

1 twenty-one (21), the court may appoint an attorney to  
2 represent ~~an indigent petitioner~~ the victim in the action.  
3 Nothing in this subsection shall prevent the victim from  
4 hiring an attorney or filing a petition pro se.

5

6 **7-3-508. Temporary order of protection; setting**  
7 **hearing.**

8

9 (a) Upon the filing of a petition for an order of  
10 protection, the court shall schedule a hearing on the  
11 petition to be conducted within ~~seventy-two (72) hours~~ ten  
12 (10) days after the filing of the petition, and shall cause  
13 each party to be served, either within or outside of this  
14 state, with an order to appear, a copy of the petition and  
15 a copy of the supporting affidavits. Service shall be made  
16 upon each party at least twenty-four (24) hours before the  
17 hearing. The failure to hold or complete the hearing within  
18 ~~seventy-two (72) hours~~ ten (10) days shall not affect the  
19 validity of the hearing or any order issued thereon.

20

21 **7-3-510. Service of order; duration and extension of**  
22 **order; violation; remedies not exclusive.**

23

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

12  
13           (b) Except as otherwise provided by this subsection,  
14 an order of protection granted by the court under W.S.  
15 7-3-509 shall be effective for a fixed period of time not  
16 to exceed three (3) years, subject to the following:-

17  
18           (i) Either party may move to modify, terminate  
19 or extend the order. The order may be extended repetitively  
20 upon a showing of good cause for additional periods of  
21 time, not to exceed three (3) years each, if the court  
22 finds from specific facts that a clear and present danger  
23 to the victim continues to exist. Any extension of an order

1 of protection under this paragraph shall be served upon the  
2 respondent by mailing the order to the last known address  
3 of the respondent on file with the clerk of court, and  
4 shall constitute valid notice of the extension;

5  
6 (ii) If a party subject to an order of  
7 protection is sentenced and incarcerated or becomes  
8 imprisoned, the running of the time remaining for the order  
9 of protection shall be tolled during the term of  
10 incarceration or imprisonment. The conditions and  
11 provisions of an order of protection shall remain in effect  
12 during any period of tolling under this ~~subsection~~  
13 paragraph. Upon release from incarceration or imprisonment  
14 the effective period of the order of protection shall be  
15 the amount of time remaining as of the first day of the  
16 term of incarceration or imprisonment or one (1) year from  
17 the date of release, whichever is greater.

18

19 **35-21-102. Definitions.**

20

21 (a) As used in this act:

22

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

7  
8           **35-21-103. Petition for order of protection;**  
9 **contents; prerequisites; appointment of an attorney; award**  
10 **of costs and fees; remote appearance at hearings.**

11  
12           (a) ~~A victim of domestic abuse~~ The following persons  
13 may petition the court under this act by filing a petition  
14 with the circuit court clerk ~~or the district court clerk if~~  
15 ~~the county does not have a circuit court~~ for an order of  
16 protection:

17  
18           (i) The victim;

19  
20           (ii) If the victim consents, the district  
21 attorney on behalf of the victim; or

22

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

3  
4           (A) A minor;

5  
6           (B) A vulnerable adult as defined in W.S.  
7 35-20-102(a)(xviii);

8  
9           (C) Any other adult who, because of age,  
10 disability, health or inaccessibility, cannot file the  
11 petition.

12  
13           (e) The clerk of the court shall make available  
14 standard petition forms with instructions for completion to  
15 be used by a petitioner. Forms are to be prepared by the  
16 victim services division within the office of the attorney  
17 general. Upon receipt of the initial petition by the clerk  
18 of the court, the clerk shall refer the matter to the  
19 court. If the victim is under the age of twenty-one (21),  
20 the court may appoint an attorney to ~~assist and advise the~~  
21 ~~petitioner or the petitioner may hire~~ represent the victim  
22 in the action. Nothing in this subsection shall prevent the

1 victim from hiring an attorney or ~~file~~filing a petition  
2 pro se.

3

4 **35-21-104. Temporary order of protection; setting**  
5 **hearing.**

6

7 (a) Upon the filing of a petition for order of  
8 protection, the court shall:

9

10 (iii) Hold a hearing on the petition within  
11 ~~seventy-two (72) hours~~ten (10) days after the granting of  
12 the temporary order of protection or as soon thereafter as  
13 the petition may be heard by the court on the question of  
14 continuing the order; or

15

16 (iv) If an ex parte order is not granted, serve  
17 notice to appear upon the parties and hold a hearing on the  
18 petition for order of protection within ~~seventy-two (72)~~  
19 ~~hours~~ten (10) days after the filing of the petition or as  
20 soon thereafter as the petition may be heard by the court.

21

22 **35-21-106. Service of order; duration and extension**  
23 **of order; violation; remedies not exclusive.**



1

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

11

12 (b) Except as otherwise provided by this subsection,  
13 an order of protection granted by the court under W.S.  
14 35-21-105 shall be effective for a fixed period of time not  
15 to exceed three (3) years, subject to the following:-

16

17 (i) Either party may move to modify, terminate  
18 or extend the order. The order may be extended repetitively  
19 upon a showing of good cause for additional periods of time  
20 not to exceed three (3) years each. Any extension of an  
21 order of protection under this paragraph shall be served  
22 upon the respondent by mailing the order to the last known

1 address of the respondent on file with the clerk of court,  
2 and shall constitute valid notice of the extension;

3  
4 (ii) If a party subject to an order of  
5 protection is sentenced and incarcerated or becomes  
6 imprisoned the running of the time remaining for the order  
7 of protection shall be tolled during the term of  
8 incarceration or imprisonment. The conditions and  
9 provisions of an order of protection shall remain in effect  
10 during any period of tolling under this ~~subsection~~  
11 paragraph. Upon release from incarceration or imprisonment  
12 the effective period of the order of protection shall be  
13 the amount of time remaining as of the first day of the  
14 term of incarceration or imprisonment or one (1) year from  
15 the date of release, whichever is greater. The filing of an  
16 action for divorce shall not supersede an order of  
17 protection granted under this act.

18  
19 **Section 2.** This act shall apply to petitions for  
20 stalking, sexual assault and domestic violence protection  
21 orders that are filed on and after July 1, 2025.

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