

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Adult protective orders-time limit.

Sponsored by: Representative(s) Throne

A BILL

for

1 AN ACT relating to adult protective services; extending the
2 permissible period for emergency services; and providing
3 for an effective date.

4

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

6

7 **Section 1.** W.S. 35-20-107(c) is amended to read:

8

9 **35-20-107. Emergency services.**

10

11 (a) If an emergency exists and the department has
12 reasonable cause to believe that a vulnerable adult is
13 suffering from abuse, neglect, self neglect, exploitation,

1 intimidation or abandonment and lacks the capacity to
2 consent to the provision of protective services, the
3 department, through the attorney general or the district
4 attorney, may petition the court for an order for emergency
5 protective services.

6

7 (b) The court shall give notice to the vulnerable
8 adult who is the subject of the petition at least twenty-
9 four (24) hours prior to the hearing. The court may
10 dispense with notice if it finds that immediate or
11 reasonably foreseeable physical harm to the vulnerable
12 adult will result from the twenty-four (24) hour delay and
13 that reasonable attempts have been made to give notice.

14

15 (c) The allegations of the petition shall be proved
16 by a preponderance of the evidence. If the court finds
17 that the vulnerable adult has been or is being abused,
18 neglected, exploited, intimidated or abandoned, or is
19 committing self neglect, that an emergency exists and that
20 the vulnerable adult lacks the capacity to consent to the
21 provision of services, the court may order the department
22 to provide protective services on an emergency basis. The
23 court shall order only those services necessary to remove

1 the conditions creating the emergency and shall
2 specifically designate the authorized services. The order
3 for emergency protective services shall remain in effect
4 for a period not to exceed seventy-two (72) hours. The
5 order may be extended for an additional ~~seventy-two (72)~~
6 ~~hour~~ sixty (60) day period if the court finds that the
7 extension is necessary to remove the emergency. The
8 vulnerable adult, his agent, his court appointed
9 representative or the department, through the attorney
10 general or the district attorney, may petition the court to
11 set aside or modify the order at any time.

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13 (d) The vulnerable adult may be placed by the court
14 in a hospital or other suitable facility which is
15 appropriate under the circumstances. The person, hospital
16 or facility in whose care the vulnerable adult is placed
17 shall immediately notify the person responsible for the
18 care and custody of the vulnerable adult, if known, of the
19 placement. Notification shall not be required if the
20 alleged perpetrator is the person responsible for the care
21 and custody of the vulnerable adult unless the court orders
22 the notification.

23

1 **Section 2.** This act is effective July 1, 2017.

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3

(END)