

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Wyoming family court.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to courts; creating a family court;
2 providing for jurisdiction; making conforming amendments;
3 providing for funding of the family court; providing for
4 the terms and appointments of family court judges;
5 providing for the salary and expenses of family court
6 personnel; authorizing positions; providing appropriations;
7 and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 5-14-101 through 5-14-116 and 5-14-201
12 through 5-14-203 are created to read:

13

1 CHAPTER 14 - FAMILY COURT

2

3 ARTICLE 1 - GENERAL PROVISIONS

4

5 **5-14-101. Family court established.**

6

7 Pursuant to the provisions of article 5, section 1 of the
8 Wyoming Constitution, the family court of the state of
9 Wyoming is hereby established for the state of Wyoming.

10

11 **5-14-102. Family court fund account created; purposes.**

12

13 (a) The family court account is hereby created. The
14 family court account shall receive all filing fees received
15 by the family court. Any interest accruing to the account
16 shall be retained in the account and may be expended for
17 the purposes specified in this section. No funds shall be
18 expended from the family court account until the
19 legislature appropriates the funds.

20

21 (b) Funds within the account shall be used only for
22 the purpose of funding the operation of the family court,

1 including judicial salaries, staff salaries, supplies,
2 operating costs and other expenses of the family court.

3

4 (c) The judicial salaries, staff salaries, supplies,
5 operating costs and other expenses of the family court may
6 be appropriated by the legislature from the general fund,
7 or from some other fund, to the extent sufficient funds are
8 not available in the family court account.

9

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11 *****

12 **STAFF COMMENT**

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14 **Subsection (c) above is based on language in the chancery-**
15 **court statutes. The Committee may wish to consider whether**
16 **this provision is necessary for this new court.**

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19 *****

20
21 **5-14-103. Number of judges; location of chambers;**
22 **concurrent jurisdiction.**

23

24 (a) The family court of the state of Wyoming shall
25 consist of not more than two (2) judges. The location of
26 chambers and assignment of cases shall be prescribed by
27 rules promulgated by the supreme court.

28

1 (b) All family court judges in the state shall have
2 concurrent jurisdiction throughout the state as provided in
3 W.S. 5-14-115(d).

4

5 **5-14-104. Supreme court to adopt rules; fees and court**
6 **costs; rules of procedure to govern family court; place for**
7 **holding court; inherent powers; appeals.**

8

9 (a) The Wyoming supreme court is hereby vested with
10 management and supervisory powers, including financial
11 auditing authority, over the family court of the state of
12 Wyoming. The Wyoming supreme court shall establish
13 procedures and rules for the effective and expeditious
14 resolution of disputes between parties and the
15 administration of the business of the family court,
16 including the Wyoming Rules of Civil Procedure for Family
17 Courts, and procedures for:

18

19 (i) The filing of an action with the family
20 court;

21

1 (ii) The removal of an existing case from another
2 court to the family court, subject to any statutory
3 limitations;

4

5 (iii) The removal, by the non-filing party, of a
6 case filed with the family court to another court;

7

8 (iv) Trial without a jury, where permitted by
9 law;

10

11 (v) The ordering of mediation;

12

13 (vi) The streamlined and expeditious completion
14 of discovery;

15

16 (vii) The completion of court business using
17 remote means.

18

19 (b) The Wyoming supreme court shall establish fees and
20 charges for the family court, provided:

21

1 (i) The fees and charges are established to, as
2 nearly as practicable, fund the operation of the family
3 court;

4

5 *****
6 *****

7 STAFF COMMENT

8

9 The language in paragraph (i) above is taken directly from
10 the chancery-court statutes. The Committee may wish to
11 consider whether the Family Court should have the same
12 self-funding goal in light of the types of cases the Family
13 Court would address.

14

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17

18 (ii) The original filing fee is set at an amount
19 not to exceed the filing fee established in W.S. 5-3-
20 206(a)(i). The fee shall apply to original actions
21 commenced, actions removed or transferred to the family
22 court from another court and to actions that are reopened
23 after a final decree previously has been entered.

24

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27 STAFF COMMENT

28

29 The fee in W.S. 5-3-206(a)(i) is the filing fee for
30 initiating civil actions in district courts and is
31 currently set at \$120.00.

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2 *****
3

4 (c) The Wyoming Civil Rules of Procedure for Family
5 Courts and the Wyoming Rules of Evidence, as amended or
6 supplemented from time to time, shall govern the family
7 court.

8
9 (d) The judges of the family court may hold court for
10 each other and shall do so when required by law. A judge of
11 the family court may hold court in any county where venue
12 is appropriate.

13
14 (e) When no special provision is otherwise made by
15 law, the family court shall be vested with all inherent
16 powers that are possessed by courts of record in this
17 state.

18
19 *****
20 *****

21 **STAFF COMMENT**

22
23 **Given the more personal nature of family and domestic**
24 **cases, the Committee may wish to consider whether this**
25 **provision (included in the Chancery Court statutes) should**
26 **be included in the family court:**

27

1 **5-14-106. Terms of family court judges.**

2

3 The term of family court judges shall be six (6) years.
4 Each family court judge selected under the provisions of
5 article 5, section 4 of the Wyoming Constitution shall
6 serve for one (1) year following his appointment and until
7 the first Monday in January following the next general
8 election after the expiration of the year. At the general
9 election, the family court judge shall stand for retention
10 in office throughout the state as provided in article 5,
11 section 4 of the Wyoming Constitution.

12

13 **5-14-107. Judges to be nonpartisan; nomination and**
14 **appointment.**

15

16 Judges of the family court shall be nonpartisan and shall
17 be nominated, appointed and retained as provided by article
18 5, section 4 of the Wyoming Constitution.

19

20 **5-14-108. Qualifications for appointment.**

21

22 (a) To be eligible for appointment to the office of
23 judge of the family court, a person shall be:

1

2

(i) A qualified elector of the state;

3

4

(ii) Authorized to practice law in Wyoming; and

5

6

7

(iii) Experienced or knowledgeable in the subject-matter jurisdiction of the family court.

8

9

5-14-109. Temporary assignment to fill vacancies; appointments to fill vacancies in office.

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23

(i) A retired supreme court justice;

(ii) A retired district court judge; or

1

2 (iii) A member of a panel of not more than five
3 (5) active district court judges selected by the supreme
4 court to serve as a family court judge on an ad hoc basis.

5

6 (b) Beginning July 1, 2025, the office of judge of the
7 family court and any vacancies therein shall be filled as
8 provided by W.S. 5-14-107.

9

10 **5-14-110. Delivery of official records and papers to**
11 **successor in office.**

12

13 If the office of judge of the family court becomes vacant
14 by reason of death, removal from office or otherwise, the
15 senior family court judge, or if there is none, the clerk
16 of the family court, shall take charge of the official
17 records and papers of the judge and deliver them to the
18 successor in office of that judge.

19

20 **5-14-111. Jurisdiction of successor is same as that of**
21 **predecessor in office.**

22

1 A judge of the family court with whom the records of his
2 predecessor have been deposited has the same jurisdiction
3 over all actions and proceedings entered in the records as
4 if they were originally commenced before him.

5

6 **5-14-112. Salaries of judges; traveling expenses.**

7

8 Family court judges shall receive the annual salary
9 provided by W.S. 5-1-110(a)(v). When a new salary is
10 effective for any judge of the family court upon new
11 appointment or the commencement of a new term, it shall be
12 effective for all judges of the family court. In addition
13 to salary, a judge of the family court shall be reimbursed
14 for traveling expenses actually incurred when the business
15 of the family court requires his attendance more than five
16 (5) miles from the place where he regularly holds court.

17

18 *****
19 *****

20 **STAFF COMMENT**

21

22 **W.S. 5-1-110(a)(v), created in this bill draft, provides**
23 **that the salary for family-court judges is the same as the**
24 **salary for district-court judges (currently set at \$160,000**
25 **per year in W.S. 5-1-110(a)(ii)).**

26

27 *****
28 *****

1

2 **5-14-113. Oath.**

3

4 Before assuming the duties of his office, a judge of the
5 family court shall take and subscribe before a supreme
6 court justice the oath of office prescribed by the Wyoming
7 Constitution.

8

9 **5-14-114. Process extends throughout the state.**

10

11 The process of the family court shall extend throughout the
12 state of Wyoming.

13

14 **5-14-115. Purpose and jurisdiction.**

15

16 (a) The family court shall be a court of limited
17 jurisdiction established for the expeditious resolution of
18 specified disputes involving domestic relations. The family
19 court shall, subject to any statutory requirements to the
20 contrary, employ nonjury trials, alternative dispute
21 resolution methods and limited motions practice and shall
22 have broad authority to shape and expedite discovery as

1 provided in the rules adopted by the supreme court to
2 govern family courts.

3

4 (b) Unless expressly provided otherwise by law, the
5 family court shall have jurisdiction to hear and decide
6 actions that arise from at least one (1) of the following:

7

8 (i) Marriage, as provided in title 20, chapter 1
9 of the Wyoming statutes;

10

11 (ii) Dissolution of marriage, as provided in
12 title 20, chapter 2 of the Wyoming statutes;

13

14 (iii) Child support, as provided in title 20,
15 chapter 2 of the Wyoming statutes;

16

17 (iv) Actions authorized under the Uniform
18 Interstate Family Support Act;

19

20 (v) Child custody, as provided in title 20,
21 chapter 5 of the Wyoming statutes;

22

1 (vi) Enforcement of child support, as provided in
2 title 20, chapter 6 of the Wyoming statutes;

3

4 (vii) Visitation rights, as provided in title 20,
5 chapter 7 of the Wyoming statutes;

6

7 (viii) Proceedings to adjudicate parentage, as
8 provided in title 14, chapter 2, article 8 of the Wyoming
9 statutes.

10

11 (c) The family court may exercise supplemental
12 ancillary jurisdiction over any cause of action not listed
13 in subsection (b) of this section at the discretion of the
14 family court.

15

16 *****
17 *****

18 STAFF COMMENT

19

20 The ancillary-jurisdiction language above comes from the
21 chancery-court statutes. The Committee may wish to consider
22 whether the language in subsection (c) above should be
23 narrowed in light of the types of cases that may qualify
24 for ancillary jurisdiction under the broad language above
25 (i.e., criminal domestic-violence cases).

26

27 *****
28 *****

29

1 (d) All family court judges throughout the state shall
2 have concurrent jurisdiction with all district court judges
3 throughout the state only as to the causes of actions or
4 petitions enumerated in subsection (b) of this section and
5 to the causes of action for which the family court
6 exercises supplemental ancillary jurisdiction under
7 subsection (c) of this section.

8

9 (e) A family court judge may submit to arbitration any
10 matter pending in family court, upon agreement of the
11 parties as provided by W.S. 1-21-801 through 1-21-804, or
12 upon application of either party showing an arbitration
13 agreement and refusal of the opposing party to arbitrate as
14 provided by W.S. 1-36-101 through 1-36-119.

15

16 (f) A family court judge may order mediation in any
17 matter pending in family court.

18

19 **5-14-116. Powers generally.**

20

21 (a) In exercising the jurisdiction granted under W.S.
22 5-14-115, the family court may:

23

1 (i) Preserve and enforce order in its immediate
2 presence and in the proceedings before it according to the
3 Wyoming Rules of Procedure for Family Courts;

4

5 (ii) Compel obedience to its judgments, orders
6 and processes;

7

8 (iii) Except as otherwise provided, control the
9 conduct of its ministerial officers and of all other
10 persons in any manner connected with judicial proceedings
11 before it;

12

13 (iv) Issue summonses, subpoenas or other process
14 in family court cases;

15

16 (v) Administer oaths and affirmations and take
17 acknowledgments, affidavits and depositions;

18

19 (vi) Amend and control its process and orders to
20 make them conformable to law and justice;

21

22 (vii) Proceed to nonjury trial, unless otherwise
23 required by law, render judgment and grant writs of

1 execution to carry into effect any order or judgment of the
2 court; and

3

4 (viii) Punish for contempt in the same manner as
5 the district court, subject to any other requirements
6 established by law.

7

8

ARTICLE 2 - CLERK

9

10 **5-14-201. Office of clerk of family court created;**
11 **salary; deputies.**

12

13 (a) There shall be a clerk of the family court for the
14 state of Wyoming. The clerk shall be selected by a majority
15 of justices of the supreme court and shall be an employee
16 of the supreme court. The clerk shall receive an annual
17 salary to be determined by the supreme court and that is
18 paid in monthly installments in the same manner as other
19 state salaries are paid. The clerk shall perform the duties
20 prescribed by law and the rules adopted by the supreme
21 court.

22

1 (b) The clerk of the family court may, with the
2 consent of a majority of the justices of the supreme court,
3 appoint a deputy clerk. The deputy may perform all the
4 duties of the office in the name of the clerk and the
5 attestation of the deputy to all decrees, orders and
6 processes, shall have the same effect and force as if
7 issued by the clerk. The deputy clerk shall receive an
8 annual salary to be determined by the supreme court and
9 that is paid in monthly installments in the same manner as
10 other state salaries are paid.

11

12 **5-14-202. Collection of fees.**

13

14 The clerk of the family court shall collect all fees and
15 charges as required and set by the supreme court under W.S.
16 5-14-104(b). At the time of the original filing, the clerk
17 shall also collect a court automation fee in the amount of
18 forty dollars (\$40.00), which shall be deposited into the
19 judicial systems automation account established by W.S. 5-
20 2-120, and an indigent civil legal services fee in the
21 amount of ten dollars (\$10.00), which shall be deposited
22 into the indigent civil legal services account established
23 by W.S. 5-2-121.

1

2 **5-14-203. Duties generally.**

3

4 The clerk shall receive all cases filed with the court and
5 maintain the records of the court. The clerk shall receive,
6 account for and pay over all money that may come into the
7 possession of the court according to law or by rule or
8 order of court. The clerk shall be responsible for
9 publishing the opinions and orders of the family court as
10 required by rule of the supreme court.

11

12 **Section 2.** W.S. 5-1-110(a)(intro) and by creating a
13 new paragraph (v), 5-2-120(d)(ii), 9-3-702(a)(iii), (v) and
14 (vi), 9-3-706(a)(intro), 14-2-801, 14-2-805(a)(intro), 14-
15 2-823(f)(i), 20-1-105(a), 20-1-106(a), 20-2-101(c), 20-2-
16 104, 20-2-105(b) and (d), 20-2-202(a)(iii), 20-2-203(b) and
17 (c), 20-2-309(d)(intro), 20-2-312, 20-6-102(a)(x), 20-6-
18 106(j) and (m)(xiii), 20-6-202(a)(iii), (iv) and (xviii),
19 20-6-204(b)(intro) and (i) and 20-6-211(c), are amended to
20 read:

21

22 **5-1-110. Salaries of judges.**

23

1 (a) Subject to constitutional and statutory
2 provisions concerning when salaries can become effective,
3 judges of the supreme court, district courts, chancery
4 courts, family courts and circuit courts shall receive the
5 following annual salaries which shall be paid in equal
6 monthly installments on the last working day of the month:

7
8 (v) Family court judges shall receive an annual
9 salary equal to the judges of the district courts.

10
11 **5-2-120. Judicial systems automation account created;**
12 **purposes; court information technology equipment.**

13
14 (d) As used in this section:

15
16 (ii) "State court facility" includes circuit,
17 family, chancery and district courtrooms, circuit, family
18 and district court jury rooms, circuit, chancery, family
19 and district court judges' chambers and the offices of
20 circuit, family and chancery court clerks.

21
22 **9-3-702. Definitions.**

23

1 (a) As used in this act:

2

3 (iii) "Credited service" means service as a
4 justice of the supreme court, as a district judge, family
5 court judge or a circuit court judge for which
6 contributions were made and not refunded under this act;

7

8 (v) "Employee" means any justice of the supreme
9 court, district judge, chancery court judge, family court
10 judge or circuit court judge appointed to any of those
11 offices on or after July 1, 1998, and with no prior service
12 as a justice of the supreme court or district judge at the
13 time of the appointment. "Employee" also includes any
14 justice or judge who elects to participate in the judicial
15 retirement program under this act in accordance with W.S.
16 9-3-713;

17

18 (vi) "Employer" means the Wyoming supreme court,
19 for justices, chancery court judges, family court judges
20 and circuit court judges, or a district court;

21

22 **9-3-706. Age of retirement.**

23

1 (a) An employee is eligible for retirement under this
2 act when he has served as a judge of the supreme court, a
3 district court, a chancery court—~~judge~~, a family court, a
4 circuit court or service in any combination of those
5 positions after July 1, 1998, if:

6

7 **14-2-801. Proceeding authorized.**

8

9 A civil proceeding may be maintained to adjudicate the
10 parentage of a child. The proceeding is governed by the
11 Wyoming Rules of Civil Procedure unless filed in the family
12 court, in which case the proceeding shall be governed by
13 the Wyoming Rules of Civil Procedure for Family Courts.

14

15 **14-2-805. Venue.**

16

17 (a) Venue for a proceeding to adjudicate parentage is
18 in the family court or in the county of this state in
19 which:

20

21 **14-2-823. Binding effect of determination of**
22 **parentage.**

23

1 (f) A petition for disestablishment of paternity
2 shall be filed:

3

4 (i) In the family court or in the district court
5 in which the paternity order is filed;

6

7 **20-1-105. Judge may order license issued.**

8

9 (a) If any county clerk refuses to issue a license to
10 marry, or in case of circumstances arising which would
11 necessitate the waiver of any one (1) or more of the
12 requirements of W.S. 20-1-102 and 20-1-103(b) and (c),
13 either applicant for the license may apply to the family
14 court or to the district court of the county for the
15 issuance of a license without compliance with one (1) or
16 more of those requirements. If the judge finds that a
17 license should be issued, or such circumstances exist that
18 it is proper that any one (1) or more of the requirements
19 should be waived, the judge may order in writing the
20 issuance of the license. Upon the order of the judge being
21 filed with the county clerk, the county clerk shall issue
22 the license at the time specified in the order. No fee or
23 court costs shall be charged or taxed for the order.

1

2 **20-1-106. Who may solemnize marriage; form of**
3 **ceremony.**

4

5 (a) Every district or circuit court judge, district
6 court commissioner, family court judge, supreme court
7 justice, magistrate and every licensed or ordained minister
8 of the gospel, bishop, priest or rabbi, or other qualified
9 person acting in accordance with the traditions or rites
10 for the solemnization of marriage of any religion,
11 denomination or religious society, may perform the ceremony
12 of marriage in this state.

13

14 **20-2-101. Void and voidable marriages defined;**
15 **annulments.**

16

17 (c) Either party may file a petition in the family
18 court or in the district court of the county where the
19 parties or one (1) of them reside, to annul a marriage for
20 reasons stated in subsections (a) and (b) of this section
21 and proceedings shall be held as in the case of a petition
22 for divorce except as otherwise provided. Upon due proof
23 the marriage shall be declared void by a decree of nullity.

1

2 **20-2-104. Causes for divorce generally; venue**
3 **generally.**

4

5 A divorce may be decreed by the family court or by the
6 district court of the county in which either party resides
7 on the complaint of the aggrieved party on the grounds of
8 irreconcilable differences in the marital relationship.

9

10 **20-2-105. Divorce action for insanity; when**
11 **permitted; conditions to bringing action; liability for**
12 **support.**

13

14 (b) Upon the filing of a verified complaint showing
15 that a cause of action exists under this section, the
16 family court or the district court shall appoint some
17 person to act as guardian of the insane person in the
18 action. The summons and complaint in the action shall be
19 served upon the defendant by delivering a copy of the
20 summons and complaint to the guardian and to the county
21 attorney of the county in which the action is brought.

22

1 (d) In any action brought under this section, the
2 district courts or family court, as appropriate, possess
3 all the powers relative to the payment of alimony, the
4 distribution of property and the care, custody and
5 maintenance of the children of the parties as in other
6 actions for divorce.

7

8 **20-2-202. Visitation.**

9

10 (a) The court may order visitation it deems in the
11 best interests of each child and the court shall:

12

13 (iii) Require either parent who plans to change
14 their home city or state of residence, to give written
15 notice thirty (30) days prior to the move, both to the
16 other parent and to the clerk of the family court or to the
17 clerk of district court, whichever is appropriate, stating
18 the date and destination of the move. In the event a
19 confidentiality order has been entered pursuant to W.S. 35-
20 21-112 or any other court order allowing a party to
21 maintain confidentiality of addresses or other information
22 identifying the residence of the victim of domestic abuse,
23 the address, city or state of residence or other

1 information identifying the residence of the victim of
2 domestic abuse shall remain confidential.

3

4 **20-2-203. Jurisdiction for enforcement and**
5 **modification.**

6

7 (b) The family court or a court in any county in
8 Wyoming in which the child has lived with his parents, a
9 parent or a person acting as a parent for six (6)
10 consecutive months immediately prior to commencement of the
11 custody proceeding may assert subject matter jurisdiction
12 and adjudicate any proceedings involving the child. Periods
13 of temporary absence of any of the named persons shall be
14 included as part of the six (6) month period.

15

16 (c) Any party seeking to enforce or modify a custody
17 order pursuant to this section shall attach a certified
18 copy of the custody order to the petition to be enforced or
19 modified. A certified copy of an order entered by a Wyoming
20 court providing for the care, custody or visitation of
21 children may be filed in the office of the clerk of the
22 family court or in the office of the clerk of the district
23 court of any county in this state in which either parent

1 resides if neither parent resides in the county of original
2 jurisdiction. The family court or the district court for
3 the county in which the order is filed has jurisdiction to
4 enforce the order, provided:

5
6 (i) Upon request of the family court or the
7 district court for the county in which a certified copy of
8 the order has been filed, the court which originally
9 entered the order shall forward certified copies of the
10 transcript of the court record and pleadings, orders,
11 decrees, records of hearings, social studies and other
12 pertinent documents relating to the original proceeding;
13 and

14
15 (ii) The family court or the district court for
16 the county in which a certified copy of the order has been
17 filed shall give due consideration to the transcript of the
18 record and all other documents submitted to it in
19 accordance with paragraph (i) of this subsection.

20
21 **20-2-309. Contents of orders; change of address or**
22 **employment; income withholding entered; payment.**

23

1 (d) In any subsequent enforcement action brought
2 under this chapter in which the parties were previously
3 ordered to provide the clerk of the court with their
4 current residential, mailing and employer's address, the
5 court, upon sufficient showing to the satisfaction of the
6 court that a diligent effort has been made to ascertain the
7 location of a party, shall deem state due process
8 requirements for notice and service of process to be met
9 upon delivery of written notice to the most recent
10 residential or employer address of that party filed with
11 the clerk of the family court or with the clerk of the
12 district court and the state case registry pursuant to the
13 requirements of this section provided:

14

15 **20-2-312. Redirection of child support.**

16

17 Upon affidavit by the current custodian or the department
18 filed with the clerk of the district court, or by operation
19 of law when public funds have been expended on behalf of a
20 minor child, that the care and control of the child resides
21 in a party other than the obligee under a child support
22 order, the child support shall, by operation of law, be
23 redirected to the person or agency who has the care and

1 control of the child and shall be subject to assignment by
2 the person having the care and control of the child
3 pursuant to W.S. 20-6-106. The department, upon proof by
4 affidavit filed with the clerk of the family court or with
5 the clerk of district court or upon verified information it
6 has received pursuant to W.S. 20-6-106 that the child
7 support is subject to an assignment, may redirect the child
8 support to the person or agency in whose favor the
9 assignment is made.

10

11 **20-6-102. Definitions.**

12

13 (a) As used in this act:

14

15 (x) "Clerk" means, for the purpose of receipts,
16 distribution and disbursement of child support, the clerk
17 of the family court or the clerk of district court in this
18 state where the obligor is ordered to make payments, or
19 where mandated by law, the state disbursement unit;

20

21 **20-6-106. Powers and duties of department regarding**
22 **collection of support.**

23

1 (j) The department may offer each county a
2 cooperative agreement relating to the services to be
3 provided by the clerk of the family court, clerks of
4 district court or child support authorities in child
5 support enforcement cases. The department shall enter into
6 a cooperative agreement with the department of workforce
7 services to recover sums owed under a support order from
8 unemployment benefits awarded to an obligor.

9

10 (m) The department may:

11

12 (xiii) In any case where there exists child
13 support arrearages and for which payments are allowed or
14 required, petition the family court or the district court
15 for an increase or decrease in the required payments due on
16 the arrearages;

17 **20-6-202. Definitions.**

18

19 (a) As used in this act:

20

21 (iii) "Clerk" means, for the purpose of receipt,
22 distribution and disbursement of child support, the clerk
23 of the family court, the clerk of the district court in

1 this state where the income withholding order is entered,
2 or where mandated by law, the state disbursement unit;

3

4 (iv) "Court" means the family court or any
5 district court in this state;

6

7 (xviii) "State disbursement unit" means the
8 clerk of the family court, clerks of district court
9 collectively or the single address location established
10 pursuant to W.S. 20-6-210(d). The state disbursement unit
11 is the entity for receiving, distributing and disbursing
12 child support payments;

13

14 **20-6-204. Entry of income withholding order.**

15

16 (b) If a support order was entered by a Wyoming court
17 before the effective date of this act and an income
18 withholding order has not previously been entered, the
19 court which entered the support order shall enter the
20 income withholding order on its own motion at the time the
21 support order is subsequently modified or at any other time
22 upon application of the obligee, the obligor or the
23 department. An income withholding order under this

1 subsection shall be entered without a hearing if an
2 arrearage occurs. An income withholding order under this
3 subsection may also be entered by the family court or by
4 the district court of any other county in this state in
5 which the obligor, obligee or payor resides, provided:

6

7 (i) The petitioner files in the office of the
8 clerk of the family court or in the office of the clerk of
9 that district court a certified copy of the support order
10 and a sworn statement of the arrearages; and

11

12 **20-6-211. Service of income withholding order;**
13 **amended notice to payor; notice to labor organizations;**
14 **penalty.**

15

16 (c) In addition to subsection (a) of this section and
17 in those cases in which it is known that the obligor may be
18 placed in employment with a payor by a labor or other
19 private or public employment referral organization
20 referring individuals to employment and operating within
21 this state, the obligee or the department may prepare, file
22 with the clerk of court and mail to the referring
23 organization certified copies of the income withholding

1 order and the notice to payor or an amended notice to payor
2 pursuant to subsection (b) of this section. The obligee or
3 the department shall send the notice to payor under this
4 subsection within the dates specified under subsection (a)
5 of this section. The referring organization shall at the
6 time of placement, forward the notice to payor to each
7 payor with which the organization places the obligor. Upon
8 forwarding the notice to payor, a labor or other
9 nongovernmental organization shall notify the ~~district~~
10 court that the income withholding order has been forwarded
11 to the payor. The ~~district~~ court shall, at the time it
12 sends the withholding order and the notice to payor to the
13 referring organization, include a self-addressed, stamped
14 return envelope for the referring organization's use for
15 notification to the ~~district~~ court. Additional envelopes
16 shall be available to the referring organization upon
17 request. Any labor or other nongovernmental organization
18 failing to provide notification to any payor at the time of
19 placement as required by this subsection is liable for an
20 amount of up to fifty dollars (\$50.00) that the payor
21 should have withheld from the obligor's income. The
22 department of workforce services may be reimbursed by the

1 department of family services for its costs incurred under
2 this act.

3

4 **Section 3.** The supreme court shall promulgate rules
5 and regulations necessary to implement this act by January
6 1, 2023.

7

8 **Section 4.**

9

10 (a) There is appropriated one million five hundred
11 thousand dollars (\$1,500,000.00) from the general fund to
12 the supreme court for the period beginning with the
13 effective date of this section and ending June 30, 2024.
14 This appropriation shall only be expended for salaries,
15 benefits, necessary travel expenses, chambers, courtroom,
16 office equipment, computer hardware and software, supplies,
17 fees and any other necessary expenses for implementing and
18 maintaining the office of the family court authorized in
19 section 1 of this act. Notwithstanding any other provision
20 of law, this appropriation shall not be transferred or
21 expended for any other purpose. Any unexpended, unobligated
22 funds remaining from this appropriation shall revert as
23 provided by law on June 30, 2024.

1

2 (b) Two (2) at-will employee contract positions are
3 authorized to the supreme court for family court personnel
4 to implement this act. These positions shall be authorized
5 for the period beginning with the effective date of this
6 section and ending June 30, 2024.

7

8 (c) To enable the initiation of the family court,
9 three (3) full-time equivalent positions are authorized to
10 the supreme court for information technology and other
11 positions as determined by the supreme court necessary to
12 implement the provisions of this act. These positions are
13 authorized beginning with the effective date of this
14 section and ending June 30, 2024.

15

16 (d) From the funds appropriated in subsection (a) of
17 this section, not more than seven hundred thousand dollars
18 (\$700,000.00) shall be expended for salaries and benefits
19 for the positions authorized in this section.

20

21 (e) It is the intent of the legislature that the
22 positions authorized in this section and the funding
23 provided in this section shall be included in the supreme

1 court's standard 2025-2026 biennial budget. The supreme
2 court may include in an exception budget request for the
3 2023-2024 biennium or for the 2025-2026 biennium such funds
4 and positions as it determines necessary to support the
5 family court created by this act.

6

7 **Section 5.**

8

9 (a) Except as provided in subsection (b) of this
10 section, this act is effective immediately upon completion
11 of all acts necessary for a bill to become law as provided
12 by Article 4, Section 8 of the Wyoming Constitution.

13

14 (b) Section 1 of this act is effective January 1,
15 2023.

16

17

(END)