

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

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

1 **Section 1.** W.S. 7-3-506(a)(i), 7-3-507(d), 7-3-
2 508(a), 7-3-510(a) and (b), 35-21-102(a)(ii), 35-21-103(a)
3 and (e), 35-21-104(a)(iii) and (iv) and 35-21-106(a) and
4 (b) are amended to read:

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6 **7-3-506. Definitions.**

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

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

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17 **7-3-507. Petition for order of protection; contents;**
18 **prerequisites; appointment of the district attorney; remote**
19 **appearance at hearings.**

20

21 (d) The attorney general shall promulgate a standard
22 petition form ~~which~~that may be used by petitioners. The
23 clerk of the circuit or district court shall make standard

1 petition forms available to petitioners, with instructions
2 for completion, without charge. ~~If the petition is not~~
3 ~~filed by the district attorney, the court may appoint an~~
4 ~~attorney to represent an indigent petitioner.~~ If the victim
5 is under the age of eighteen (18), the court may appoint
6 the district attorney to represent the victim in the
7 action. Nothing in this subsection shall prevent the victim
8 from hiring an attorney or filing a petition pro se.

9

10 **7-3-508. Temporary order of protection; setting**
11 **hearing.**

12

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

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STAFF COMMENT

The Committee may wish to consider whether to amend the requirement that service must be made upon each party at least 24 hours before the hearing, as the hearing would now be required to be held within 10 days after the filing of the petition instead of within 72 hours after the filing of the petition.

For reference, the Domestic Violence Protection Act does not include any requirement regarding when service must be made relative to the hearing date.

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

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(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

1 respondent's attorney was present in person or by remote
2 means at the time the order was granted.

3

4 (b) Except as otherwise provided by this subsection,
5 an order of protection granted by the court under W.S. 7-3-
6 509 shall be effective for a fixed period of time not to
7 exceed three (3) years, subject to the following:

8

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

19

20 (ii) If a party subject to an order of
21 protection is sentenced and incarcerated or becomes
22 imprisoned, the running of the time remaining for the order
23 of protection shall be tolled during the term of

1 incarceration or imprisonment. The conditions and
2 provisions of an order of protection shall remain in effect
3 during any period of tolling under this ~~subsection~~
4 paragraph. Upon release from incarceration or imprisonment
5 the effective period of the order of protection shall be
6 the amount of time remaining as of the first day of the
7 term of incarceration or imprisonment or one (1) year from
8 the date of release, whichever is greater.

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10 **35-21-102. Definitions.**

11

12 (a) As used in this act:

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

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21 **35-21-103. Petition for order of protection;**
22 **contents; prerequisites; appointment of the district**

1 attorney; award of costs and fees; remote appearance at
2 hearings.

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4 (a) ~~A victim of domestic abuse~~ The following persons
5 may petition the court under this act by filing a petition
6 with the circuit court clerk ~~or the district court clerk if~~
7 ~~the county does not have a circuit court~~ for an order of
8 protection:

9

10 (i) The victim;

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

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

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18 (A) A minor;

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20 (B) A vulnerable adult as defined in W.S.
21 35-20-102(a)(xviii);

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

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5 (e) The clerk of the court shall make available
6 standard petition forms with instructions for completion to
7 be used by a petitioner. Forms are to be prepared by the
8 victim services division within the office of the attorney
9 general. Upon receipt of the initial petition by the clerk
10 of the court, the clerk shall refer the matter to the
11 court. If the victim is under the age of eighteen (18), the
12 court may appoint ~~an~~ the district attorney to ~~assist and~~
13 ~~advise the petitioner or the petitioner may hire an~~
14 ~~attorney or file pro se~~ represent the victim in the action.

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18 STAFF COMMENT

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20 To mirror the language in W.S. 7-3-507(d), the Committee
21 may wish to add the following sentence to the end of W.S.
22 35-21-103(e):

23
24 Nothing in this subsection shall prevent the
25 victim from hiring an attorney or filing a
26 petition pro se.

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28 In addition, the Committee may wish to consider whether to
29 amend W.S. 35-21-103(h):

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1 (h) The court may require the respondent to pay
2 costs and fees incurred in bringing an action
3 pursuant to this act including reasonable
4 attorney's fees whether the attorney is court
5 appointed or retained by petitioner.
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7 Under the amended statutes, a petitioner may retain counsel
8 or the court may appoint the district attorney to represent
9 a victim who is under the age of eighteen. There may be a
10 question about whether costs and fees, including reasonable
11 attorney's fees, would be available where the district
12 attorney is appointed.
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17 35-21-104. Temporary order of protection; setting
18 hearing.
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20 (a) Upon the filing of a petition for order of
21 protection, the court shall:
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23 (iii) Hold a hearing on the petition within
24 ~~seventy-two (72) hours~~ ten (10) days after the granting of
25 the temporary order of protection or as soon thereafter as
26 the petition may be heard by the court on the question of
27 continuing the order; or
28

29 (iv) If an ex parte order is not granted, serve
30 notice to appear upon the parties and hold a hearing on the

1 petition for order of protection within ~~seventy-two (72)~~
2 ~~hours~~ ten (10) days after the filing of the petition or as
3 soon thereafter as the petition may be heard by the court.
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. 35-
20 21-105 shall be effective for a fixed period of time not to
21 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 and shall constitute valid notice of the extension;

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

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

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STAFF COMMENT

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10 The Committee may wish to consider specifying whether this
11 act applies to requests to extend a protection order that
12 are filed on and after July 1, 2025.

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

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(END)