

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Valid court orders.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to juveniles; clarifying that a child may
2 be subject to return to court for violation of the terms of
3 a court order issued by a juvenile court; requiring a
4 timely interview of a child before an informal hearing to
5 determine if the child should be held in detention as
6 specified; requiring a juvenile court judge to explain the
7 terms of an order to the child and other specified persons;
8 clarifying the prohibition against placing a child in need
9 of supervision in a jail; and providing for an effective
10 date.

11

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

13

1 **Section 1.** W.S. 14-6-201(a)(xix), 14-6-205(a)(ii),
2 14-6-206(b), 14-6-209(a) and (d)(intro), 14-6-301(a)(v),
3 14-6-402(a)(xvi), 14-6-405(a)(ii), 14-6-406(b),
4 14-6-407(b)(ii) and 14-6-409(a) and (d)(intro) are amended
5 to read:

6
7 **14-6-201. Definitions; short title; statement of**
8 **purpose and interpretation.**

9
10 (a) As used in this act:

11
12 (xix) "Probation" means a legal status created
13 by court order following an adjudication of delinquency or
14 of a status offense where a child is permitted to remain in
15 his home subject to supervision by a city or county
16 probation officer, the department or other qualified
17 private organization the court may designate. A child is
18 subject to return to the court for violation of the terms
19 or conditions of probation provided for in the court order;

20
21 **14-6-205. Taking of child into custody; when**
22 **permitted.**

1 (a) A child may be taken into custody by a law
2 enforcement officer without a warrant or court order when:

3
4 (ii) There are reasonable grounds to believe the
5 child has violated the terms of an order of the juvenile
6 court issued pursuant to this act; or

7
8 **14-6-206. Child in custody; no detention without**
9 **court order; exceptions; notice to parent or guardian;**
10 **release.**

11
12 (b) Any person taking a child into custody shall as
13 soon as possible notify the child's parent, guardian or
14 custodian. Unless the child's detention or shelter care is
15 authorized by a court order issued pursuant to this act or
16 required for one (1) of the reasons in subsection (a) of
17 this section, the child shall be released to the care of
18 his parent, guardian, custodian or other responsible adult
19 upon that person's written promise to present the child
20 before the court upon request.

1 **14-6-209. Taking of child into custody; informal**
2 **hearing where no court order; conditional release;**
3 **evidence; rehearing.**

4
5 (a) When a child is placed in detention or shelter
6 care without a court order, a petition as provided in W.S.
7 14-6-212 shall be promptly filed and presented to the
8 court. An informal detention or shelter care hearing shall
9 be held as soon as reasonably possible not later than
10 forty-eight (48) hours, excluding weekends and legal
11 holidays, after the child is taken into custody to
12 determine if further detention or shelter care is required
13 pending further court action. The child shall be
14 interviewed by a representative of the department of family
15 services as soon as reasonably possible not later than
16 twenty-four (24) hours, excluding weekends and legal
17 holidays, after the child is taken into custody. The
18 department representative shall submit a report of the
19 interview to the court, including an assessment of the
20 immediate needs of the child and a recommendation for the
21 most appropriate placement for the child pending
22 disposition of the violation. Written notice stating the

1 time, place and purpose of the hearing shall be given to
2 the child and to his parents, guardian or custodian.

3
4 (d) Regardless of whether the allegations in the
5 petition are admitted or denied, the court shall determine
6 whether or not the child's full-time detention or shelter
7 care is required pending further proceedings. If the court
8 finds that returning the child to the home is contrary to
9 the welfare of the child, the court shall enter the finding
10 on the record and order the child placed in the legal
11 custody of the department. The court shall explain the

12 terms of the court order to the child, his parents or legal
13 guardian and any other person the court deems necessary.

14 If the court finds that full-time detention or shelter care
15 is not required, the court shall order the child released
16 and may impose one (1) or more of the following conditions:

17
18 **14-6-301. Definitions.**

19
20 (a) As used in W.S. 14-6-301 through 14-6-314:

21
22 (v) "Probation" means a legal status created by
23 court order following an adjudication of delinquency, a

1 status offense or in need of supervision, where a child is
2 permitted to remain in the child's home subject to
3 supervision by a city, county or state probation officer,
4 the department of family services or other qualified
5 private organization the court may designate. A child is
6 subject to return to the court for violation of the terms
7 or conditions of probation provided for in the court order;

8
9 **14-6-402. Definitions.**

10
11 (a) As used in this act:

12
13 (xvi) "Probation" means a legal status created
14 by court order following an adjudication of in need of
15 supervision, where a child is permitted to remain in his
16 home subject to supervision by a city, county or state
17 probation officer, the department of family services or
18 other qualified private organization the court may
19 designate. A child is subject to return to the court for
20 violation of the terms or conditions of probation provided
21 for in the court order;

1 **14-6-405. Taking of child into custody; when**
2 **permitted.**

3
4 (a) A child may be taken into custody by a law
5 enforcement officer without a warrant or court order when:

6
7 (ii) There are reasonable grounds to believe the
8 child has violated the terms of an order of the juvenile
9 court issued pursuant to this act;

10
11 **14-6-406. Child in custody; no detention or shelter**
12 **care placement without court order; exceptions; notice to**
13 **parent or guardian; release.**

14
15 (b) Any person taking a child into custody shall as
16 soon as possible notify the child's parent, guardian or
17 custodian. Unless the child's detention or shelter care is
18 authorized by a court order issued pursuant to this act or
19 required for one (1) of the reasons in subsection (a) of
20 this section, the child shall be released to the care of
21 his parent, guardian, custodian or other responsible adult
22 upon that person's written promise to present the child
23 before the court upon request.

1
2 **14-6-407. Detention or shelter care; delivery of**
3 **child pending hearing; placing children; notice if no court**
4 **order.**

5
6 (b) In providing detention or shelter care placement:

7
8 (ii) If facilities or services are not
9 immediately available to house and protect the child, the
10 judge may order the child held in a temporary holding area
11 at the local law enforcement complex. No child in need of
12 supervision shall be placed in a jail, ~~other than for~~ but
13 may be placed in a juvenile detention facility if the child
14 has been adjudicated under article 2 of this chapter for
15 having committed a delinquent act;

16
17 **14-6-409. Taking of child into custody; informal**
18 **hearing where no court order; conditional release;**
19 **evidence; rehearing.**

20
21 (a) When a child is placed in detention or shelter
22 care without a court order, a petition as provided in W.S.
23 14-6-412 shall be promptly filed and presented to the

1 court. An informal detention or shelter care hearing shall
2 be held as soon as reasonably possible not later than
3 forty-eight (48) hours, excluding weekends and legal
4 holidays, after the child is taken into custody to
5 determine if further detention or shelter care is required
6 pending further court action. The child shall be
7 interviewed by a representative of the department of family
8 services as soon as reasonably possible not later than
9 twenty-four (24) hours, excluding weekends and legal
10 holidays, after the child is taken into custody. The
11 department representative shall submit a report of the
12 interview to the court, including an assessment of the
13 immediate needs of the child and a recommendation for the
14 most appropriate placement for the child pending court
15 disposition or execution of a court order for placement or
16 commitment. Written notice stating the time, place and
17 purpose of the hearing shall be given to the child and to
18 his parents, guardian or custodian.

19
20 (d) Regardless of whether the allegations in the
21 petition are admitted or denied, the court shall determine
22 whether or not the child's full-time detention or shelter
23 care is required pending further proceedings. If the court

1 finds that returning the child to the home is contrary to
2 the welfare of the child, the court shall enter the finding
3 on the record and order the child placed in the legal
4 custody of the department of family services. The court
5 shall explain the terms of the court order to the child,
6 his parents or legal guardian and any other person the
7 court deems necessary. If the court finds that full-time
8 detention or shelter care is not required, the court shall
9 order the child released and may impose one (1) or more of
10 the following conditions:

11

12 **Section 2.** This act is effective July 1, 2008.

13

14

(END)