

HOUSE BILL NO. HB0097

Juvenile hearings-timelines.

Sponsored by: Representative(s) Lubnau and Senator(s) Ross

A BILL

for

1 AN ACT relating to juveniles; modifying timelines for
2 specified juvenile hearings; and providing for an effective
3 date.

4

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

6

7 **Section 1.** W.S. 14-3-409(c), 14-3-426(b),
8 14-6-209(c), 14-6-226(b), 14-6-409(c) and 14-6-426(b) are
9 amended to read:

10

11 **14-3-409. Taking of child into custody; informal**
12 **hearing where no court order; conditional release;**
13 **evidence; rehearing.**

14

15 (c) The parents, guardian or custodian shall be given
16 an opportunity to admit or deny the allegations in the
17 petition. If the allegations are admitted, the court shall

1 make the appropriate adjudication and may proceed
2 immediately to a disposition of the case, provided the
3 court has the predisposition report and multidisciplinary
4 team recommendations, in accordance with the provisions of
5 W.S. 14-3-429, except that a commissioner acting in the
6 absence or incapacity of the judge may take testimony to
7 establish a factual basis and accept an admission and
8 perform all other requirements of the initial hearing but
9 shall not proceed to disposition. If denied, the court
10 shall set a time not to exceed ~~sixty (60)~~ ninety (90) days
11 for an adjudicatory hearing, unless the court finds good
12 cause to delay or postpone the hearing, ~~but in~~ but in no case
13 shall the court hold the adjudicatory hearing more than
14 ~~ninety (90)~~ one hundred twenty (120) days after the date
15 ~~the petition is filed~~ a denial is entered.

16

17 **14-3-426. Initial appearance; adjudicatory hearing;**
18 **entry of decree and disposition; evidentiary matters;**
19 **continuance of disposition hearing.**

20

21 (b) If the allegations of the petition are denied,
22 the court may, with consent of the parties, proceed
23 immediately to hear evidence on the petition or it may set
24 a later time not to exceed ~~sixty (60)~~ ninety (90) days for

1 an adjudicatory hearing, unless the court finds good cause
2 to delay or postpone the hearing, ~~but~~ but in no case shall the
3 court hold the adjudicatory hearing more than ~~ninety (90)~~
4 one hundred twenty (120) days after the date ~~the petition~~
5 ~~is filed~~ a denial is entered. Only competent, relevant and
6 material evidence shall be admissible at an adjudicatory
7 hearing to determine the truth of the allegations in the
8 petition. If after an adjudicatory hearing the court finds
9 that the allegations in the petition are not established as
10 required by this act, it shall dismiss the petition and
11 order the child released from any shelter care.

12

13 **14-6-209. Taking of child into custody; informal**
14 **hearing where no court order; conditional release;**
15 **evidence; rehearing.**

16

17 (c) The child shall be given an opportunity to admit
18 or deny the allegations in the petition. If the allegations
19 are admitted, the court shall make the appropriate
20 adjudication and may proceed immediately to a disposition
21 of the case, provided the court has the predisposition
22 report and multidisciplinary team recommendations, in
23 accordance with the provisions of W.S. 14-6-229, except
24 that a commissioner acting in the absence or incapacity of

1 the judge may take testimony to establish a factual basis
2 and accept an admission and perform all other requirements
3 of the initial hearing but shall not proceed to
4 disposition. If denied, the court shall set a time not to
5 exceed ~~sixty (60)~~ ninety (90) days for an adjudicatory
6 hearing or a transfer hearing, unless the court finds good
7 cause to delay or postpone the hearing, ~~,-~~ but in no case
8 shall the court hold the adjudicatory hearing more than
9 ~~ninety (90)~~ one hundred twenty (120) days after the date
10 ~~the petition is filed~~ a denial is entered.

11

12 **14-6-226. Initial appearance; adjudicatory or**
13 **transfer hearing; entry of decree and disposition;**
14 **evidentiary matters; continuance of disposition hearing.**

15

16 (b) If the allegations of the petition are denied,
17 the court may, with consent of the parties, proceed
18 immediately to hear evidence on the petition or it may set
19 a later time not to exceed ~~sixty (60)~~ ninety (90) days for
20 an adjudicatory or a transfer hearing, unless the court
21 finds good cause to delay or postpone the hearing, ~~,-~~ but in
22 no case shall the court hold the adjudicatory hearing more
23 than ~~ninety (90)~~ one hundred twenty (120) days after the
24 date ~~the petition is filed~~ a denial is entered. Only

1 competent, relevant and material evidence shall be
2 admissible at an adjudicatory hearing to determine the
3 truth of the allegations in the petition. If after an
4 adjudicatory hearing the court finds that the allegations
5 in the petition are not established as required by this
6 act, it shall dismiss the petition and order the child
7 released from any detention or shelter care.

8

9 **14-6-409. Taking of child into custody; informal**
10 **hearing where no court order; conditional release;**
11 **evidence; rehearing.**

12

13 (c) The child shall be given an opportunity to admit
14 or deny the allegations in the petition. If the allegations
15 are admitted, the court shall make the appropriate
16 adjudication and may proceed immediately to a disposition
17 of the case, provided the court has the predisposition
18 report and multidisciplinary recommendations, in accordance
19 with the provisions of W.S. 14-6-429, except that a
20 commissioner acting in the absence or incapacity of the
21 judge may take testimony to establish a factual basis and
22 accept an admission and perform all other requirements of
23 the initial hearing but shall not proceed to disposition.
24 If denied, the court shall set a time not to exceed ~~sixty~~

1 ~~(60)~~ ninety (90) days for an adjudicatory hearing, unless
2 the court finds good cause to delay or postpone the
3 hearing, ~~,-~~ but in no case shall the court hold the
4 adjudicatory hearing more than ~~ninety (90)~~ one hundred
5 twenty (120) days after the date ~~the petition is filed a~~
6 denial is entered.

7

8 **14-6-426. Initial appearance; adjudicatory hearing;**
9 **entry of decree and disposition; evidentiary matters;**
10 **continuance of disposition hearing.**

11

12 (b) If the allegations of the petition are denied,
13 the court may, with consent of the parties, proceed
14 immediately to hear evidence on the petition or it may set
15 a later time not to exceed ~~sixty (60)~~ ninety (90) days for
16 an adjudicatory hearing, unless the court finds good cause
17 to delay or postpone the hearing, ~~,-~~ but in no case shall the
18 court hold the adjudicatory hearing more than ~~ninety (90)~~
19 one hundred twenty (120) days after the date ~~the petition~~
20 ~~is filed a~~ denial is entered. Only competent, relevant and
21 material evidence shall be admissible at an adjudicatory
22 hearing to determine the truth of the allegations in the
23 petition. If after an adjudicatory hearing the court finds
24 that the allegations in the petition are not established as

1 required by this act, it shall dismiss the petition and
2 order the child released from any detention or shelter
3 care.

4

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

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(END)