HOUSE BILL NO. HB0082

Open adoption agreements.

Sponsored by: Representative(s) Throne and Berger and
Senator(s) Dockstader and Ross

A BILL

for

1 AN ACT relating to adoption; authorizing agreements

2 regarding communications with a child adoptee, the adoptive

3 parents and a biological parent; requiring court approval

4 of agreements in writing; specifying contents of

5 agreements; authorizing modification and termination of

6 agreements as specified; and providing for an effective

7 date.

8

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

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11   **Section 1.** W.S. 1-22-118 is created to read:

12

13   **1-22-118. Agreements regarding communications.**

14

15   (a) Notwithstanding article 2 of this chapter, the

16 parties to a proceeding under this article may enter into

1   an agreement regarding communications with a child adoptee,

2   the adoptive parents and a biological parent.

3

4   (b) An agreement under this section is not

5   enforceable unless the agreement is in writing and is

6   approved by the court. The court shall not approve an

7   agreement unless the agreement is approved by the

8   prospective adoptive parents, any biological parent with

9   whom the agreement is being made and, if the child is in

10   the custody of the department or an agency, a

11   representative of the department or agency.

12

13   (c) An agreement entered into pursuant to this

14   section shall state that the adoptive parents may terminate

15   contact between the biological parent and the child adoptee

16   at any time if the adoptive parents believe that such

17   contact is not in the child's best interests.

18

19   (d) The court shall not approve the agreement unless

20   the court finds that the communication among the adoptee

21   child, the adoptive parents and the biological parent is in

22   the child's best interests. The court may consider the

23   wishes of the adoptee child if the child is at least twelve

24   (12) years of age.

1

2   (e) An agreement entered into pursuant to this

3 section is enforceable even if it does not disclose the

4 identity of the parties to the agreement.

5

6   (f) Failure to comply with an agreement that had been

7 approved pursuant to this section is not grounds for

8 setting aside a final decree of adoption or for revocation

9 of a written consent to an adoption decree or

10 relinquishment of parental rights.

11

12   (g) The court retains jurisdiction after a final

13 decree of adoption is entered to hear motions brought to

14 enforce or modify an order entered pursuant to this

15 section. Before filing a motion, the party seeking to

16 enforce or modify an order shall make a good faith attempt

17 to mediate the dispute. The court shall not enforce or

18 modify an order unless the party filing the motion has made

19 a good faith attempt to mediate the dispute.

20

21   (h) The court may order a modification of an

22 agreement approved pursuant to this section if it finds

23 that the modification is necessary to serve the best

1 interests of the adoptee child and one (1) of the following

2 is true:

3

4   (i) The modification is agreed to by the

5 adoptive parents;

6

7   (ii) Exceptional circumstances have arisen since

8 the agreement was approved by the court that justify

9 modification of the agreement.

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11   (j) The court may consider the wishes of the adoptee

12 child who is at least twelve (12) years of age when

13 determining whether to order a modification pursuant to

14 subsection (h) of this section.

15

16   (k) Every agreement entered into pursuant to this

17 section shall contain a clause stating that the parties

18 agree to the continuing jurisdiction of the court to

19 enforce and modify the agreement and that they understand

20 that failure to comply with the terms of the agreement is

21 not grounds for:

22

23   (i) Setting aside the final decree of adoption;

24

1   (ii) The revocation of a written consent to the

2 adoption; or

3

4   (iii) Setting   aside   the   relinquishment   of

5 parental rights.

6

7   **Section 2.** This act is effective July 1, 2009.

8

9   (END)