

HOUSE BILL NO. HB0049

Juvenile courts procedures.

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

A BILL

for

1 AN ACT relating to juveniles; repealing the right to a jury
2 trial in juvenile actions; amending the maximum time in
3 which a juvenile matter may be adjudicated as specified;
4 and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 14-3-402(a)(i), 14-3-409(c),
9 14-3-424(a) and (b), 14-3-425(b), 14-3-426(b) and (c),
10 14-6-201(a)(i), 14-6-209(c), 14-6-225(b), 14-6-226(b),
11 14-6-237(a), 14-6-402(a)(i), 14-6-409(c), 14-6-424(a) and
12 (b), 14-6-425(b) and 14-6-426(b) and (c) are amended to
13 read:

14

15 **14-3-402. Definitions.**

16

1 (a) As used in this act:

2

3 (i) "Adjudication" means a finding by the court, l
4 ~~or the jury,~~ incorporated in a decree, as to the truth of
5 the facts alleged in the petition;

6

7 **14-3-409. Taking of child into custody; informal**
8 **hearing where no court order; conditional release;**
9 **evidence; rehearing.**

10

11 (c) The parents, guardian or custodian shall be given
12 an opportunity to admit or deny the allegations in the
13 petition. If the allegations are admitted, the court shall
14 make the appropriate adjudication and may proceed
15 immediately to a disposition of the case, provided the
16 court has the predisposition report and multidisciplinary
17 team recommendations, in accordance with the provisions of
18 W.S. 14-3-429, except that a commissioner acting in the
19 absence or incapacity of the judge may take testimony to
20 establish a factual basis and accept an admission and
21 perform all other requirements of the initial hearing but
22 shall not proceed to disposition. If denied, the court
23 shall set a time not to exceed sixty (60) days for an
24 adjudicatory hearing, unless the court finds good cause to

1 delay or postpone the hearing. ~~In no case shall the court~~
2 ~~hold the adjudicatory hearing more than ninety (90) days~~
3 ~~after the date the petition is filed.~~

4
5 **14-3-424. Conduct of hearings generally; exclusion of**
6 **general public and child; exceptions; consolidations,**
7 **continuances or deferrals permitted.**

8
9 (a) ~~Unless a jury trial is demanded,~~ Hearings under
10 this act shall be conducted by the court without a jury in
11 an informal but orderly manner and separate from other
12 proceedings not included under this act. The district
13 attorney shall present evidence in support of the petition
14 and otherwise represent the state. If the allegations in
15 the petition are denied, adjudicatory and disposition
16 hearings shall be recorded by the court reporter or by
17 electronic, mechanical or other appropriate means.

18
19 (b) Except in hearings to declare a person in
20 contempt of court, the general public are excluded from
21 hearings under this act. Only the parties, counsel for the
22 parties, ~~jurors,~~ witnesses, and other persons the court
23 finds having a proper interest in the proceedings or in the
24 work of the court shall be admitted. If the court finds it

1 necessary in the best interest of the child, the child may
2 be temporarily excluded from any hearing.

3
4 **14-3-425. Burden of proof required; effect thereof.**

5
6 (b) ~~If trial by jury is demanded, the jury shall~~
7 ~~decide issues of fact raised by the petition and return its~~
8 ~~verdict as to the truth of the allegations contained in the~~
9 ~~petition.~~ A finding ~~by the jury~~ that the allegations are
10 true is a determination that judicial intervention is
11 necessary for the best interest and welfare of the child.

12
13 **14-3-426. Initial appearance; adjudicatory hearing;**
14 **entry of decree and disposition; evidentiary matters;**
15 **continuance of disposition hearing.**

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

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

8
9 (c) If after an adjudicatory hearing or a valid
10 admission or confession the court ~~or jury~~ finds that a
11 child is neglected, it shall enter a decree to that effect
12 stating the jurisdictional facts upon which the decree is
13 based. It may then proceed immediately or at a postponed
14 hearing within sixty (60) days to make proper disposition
15 of the child.

16
17 **14-6-201. Definitions; short title; statement of**
18 **purpose and interpretation.**

19
20 (a) As used in this act:

21
22 (i) "Adjudication" means a finding by the court,
23 ~~or the jury,~~ incorporated in a decree, as to the truth of
24 the facts alleged in the petition;

1

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

5

6 (c) The child shall be given an opportunity to admit
7 or deny the allegations in the petition. If the allegations
8 are admitted, the court shall make the appropriate
9 adjudication and may proceed immediately to a disposition
10 of the case, provided the court has the predisposition
11 report and multidisciplinary team recommendations, in
12 accordance with the provisions of W.S. 14-6-229, except
13 that a commissioner acting in the absence or incapacity of
14 the judge may take testimony to establish a factual basis
15 and accept an admission and perform all other requirements
16 of the initial hearing but shall not proceed to
17 disposition. If denied, the court shall set a time not to
18 exceed sixty (60) days for an adjudicatory hearing or a
19 transfer hearing, unless the court finds good cause to
20 delay or postpone the hearing. ~~In no case shall the court~~
21 ~~hold the adjudicatory hearing more than ninety (90) days~~
22 ~~after the date the petition is filed.~~

23

24 **14-6-225. Burden of proof required; effect thereof.**

1

2 (b) ~~If trial by jury is demanded, the jury shall~~
3 ~~decide issues of fact raised by the petition and return its~~
4 ~~verdict as to the truth of the allegations contained in the~~
5 ~~petition.~~ A finding ~~by the jury~~ that the allegations are
6 true is not deemed a conviction of guilt, but is a
7 determination that judicial intervention is necessary for
8 the best interest and welfare of the child and the public.

9

10 **14-6-226. Initial appearance; adjudicatory or**
11 **transfer hearing; entry of decree and disposition;**
12 **evidentiary matters; continuance of disposition hearing.**

13

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

1 adjudicatory hearing the court finds that the allegations
2 in the petition are not established as required by this
3 act, it shall dismiss the petition and order the child
4 released from any detention or shelter care.

5
6 **14-6-237. Transfer hearing; transfer of proceedings**
7 **commenced in district court or in municipal or circuit**
8 **court.**

9
10 (a) After a petition alleging a child has committed a
11 delinquent act is filed, the court may, on its own motion
12 or that of any party any time prior to the adjudicatory
13 hearing, order a transfer hearing to determine if the
14 matter should be transferred to another court having
15 jurisdiction of the offense charged for criminal
16 prosecution as provided by law. Notice in writing of the
17 time, place and purpose of the transfer hearing shall be
18 given to the child and his parents, guardian or custodian
19 at least three (3) days before the hearing. The transfer
20 hearing shall be conducted in conformity with W.S. 14-6-222
21 through 14-6-224. ~~except there shall be no jury.~~

22
23 **14-6-402. Definitions.**
24

1 (a) As used in this act:

2

3 (i) "Adjudication" means a finding by the court, ~~or the jury,~~
4 incorporated in a decree, as to the truth of
5 the facts alleged in the petition;

6

7 **14-6-409. Taking of child into custody; informal**
8 **hearing where no court order; conditional release;**
9 **evidence; rehearing.**

10

11 (c) The child shall be given an opportunity to admit
12 or deny the allegations in the petition. If the allegations
13 are admitted, the court shall make the appropriate
14 adjudication and may proceed immediately to a disposition
15 of the case, provided the court has the predisposition
16 report and multidisciplinary recommendations, in accordance
17 with the provisions of W.S. 14-6-429, except that a
18 commissioner acting in the absence or incapacity of the
19 judge may take testimony to establish a factual basis and
20 accept an admission and perform all other requirements of
21 the initial hearing but shall not proceed to disposition.
22 If denied, the court shall set a time not to exceed sixty
23 (60) days for an adjudicatory hearing, unless the court
24 finds good cause to delay or postpone the hearing. ~~In no~~

~~case shall the court hold the adjudicatory hearing more than ninety (90) days after the date the petition is filed.~~

14-6-424. Conduct of hearings generally; exclusion of general public and child; exceptions; consolidations permitted.

(a) ~~Unless a jury trial is demanded,~~ Hearings under this act shall be conducted by the court without a jury in an informal but orderly manner and separate from other proceedings not included under this act. The district attorney shall present evidence in support of the petition and otherwise represent the state. If the allegations in the petition are denied, adjudicatory and disposition hearings shall be recorded by the court reporter or by electronic, mechanical or other appropriate means.

(b) Except in hearings to declare a person in contempt of court, the general public are excluded from hearings under this act. Only the parties, counsel for the parties, ~~jurors,~~ witnesses, and other persons the court finds having a proper interest in the proceedings or in the work of the court shall be admitted. If the court finds it necessary in the best interest of the child, the child may

1 be temporarily excluded from any hearing except while
2 evidence is being received at an adjudicatory hearing in
3 support of the allegations of his need for supervision.
4

5 **14-6-425. Burden of proof required; effect thereof.**
6

7 (b) ~~If trial by jury is demanded, the jury shall~~
8 ~~decide issues of fact raised by the petition and return its~~
9 ~~verdict as to the truth of the allegations contained in the~~
10 ~~petition.~~ A finding ~~by the jury~~ that the allegations are
11 true is a determination that judicial intervention is
12 necessary for the best interest and welfare of the child.
13

14 **14-6-426. Initial appearance; adjudicatory hearing;**
15 **entry of decree and disposition; evidentiary matters;**
16 **continuance of disposition hearing.**
17

18 (b) If the allegations of the petition are denied,
19 the court may, with consent of the parties, proceed
20 immediately to hear evidence on the petition or it may set
21 a later time not to exceed sixty (60) days for an
22 adjudicatory hearing, unless the court finds good cause to
23 delay or postpone the hearing. ~~In no case shall the court~~
24 ~~hold the adjudicatory hearing more than ninety (90) days~~

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

9
10 (c) If after an adjudicatory hearing or a valid
11 admission or confession the court ~~or jury~~ finds that a
12 child is in need of supervision, it shall enter a decree to
13 that effect stating the jurisdictional facts upon which the
14 decree is based. It may then proceed immediately or at a
15 postponed hearing within sixty (60) days to make proper
16 disposition of the child, unless the court finds good cause
17 to delay or postpone the hearing.

18
19 **Section 2.** W.S. 14-3-409(b)(iv), 14-3-423(b),
20 14-3-434(b)(ii), 14-6-209(b)(v), 14-6-223(c), 14-6-224(a)
21 and (b), 14-6-235(b)(ii), 14-6-409(b)(iv), 14-6-423(b) and
22 14-6-434(b)(ii) are repealed.

