

SENATE FILE NO. SF0064

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

14 **Section 1.** W.S. 14-6-201(a)(xix), 14-6-205(a)(ii),
15 14-6-206(b), 14-6-209(a) and (d)(intro), 14-6-301(a)(v),
16 14-6-402(a)(xvi), 14-6-405(a)(ii), 14-6-406(b),

1 14-6-407(b)(ii) and 14-6-409(a) and (d)(intro) are amended
2 to read:

3

4 **14-6-201. Definitions; short title; statement of**
5 **purpose and interpretation.**

6

7 (a) As used in this act:

8

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

17

18 **14-6-205. Taking of child into custody; when**
19 **permitted.**

20

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

23

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

4
5 14-6-206. Child in custody; no detention without
6 court order; exceptions; notice to parent or guardian;
7 release.

8
9 (b) Any person taking a child into custody shall as
10 soon as possible notify the child's parent, guardian or
11 custodian. Unless the child's detention or shelter care is
12 authorized by a court order issued pursuant to this act or
13 required for one (1) of the reasons in subsection (a) of
14 this section, the child shall be released to the care of
15 his parent, guardian, custodian or other responsible adult
16 upon that person's written promise to present the child
17 before the court upon request.

18
19 14-6-209. Taking of child into custody; informal
20 hearing where no court order; conditional release;
21 evidence; rehearing.

22
23 (a) When a child is placed in detention or shelter
24 care without a court order, a petition as provided in W.S.

1 14-6-212 shall be promptly filed and presented to the
2 court. An informal detention or shelter care hearing shall
3 be held as soon as reasonably possible not later than
4 forty-eight (48) hours, excluding weekends and legal
5 holidays, after the child is taken into custody to
6 determine if further detention or shelter care is required
7 pending further court action. The child shall be
8 interviewed by the department or its designee prior to the
9 detention or shelter care hearing, but in no event later
10 than twenty-four (24) hours, excluding weekends and legal
11 holidays, after the child is taken into custody. The
12 department or its designee shall submit a written report of
13 the interview to the court, including an assessment of the
14 immediate needs of the child and a recommendation for the
15 most appropriate placement for the child pending
16 disposition of the violation. Written notice stating the
17 time, place and purpose of the hearing shall be given to
18 the child and to 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
24 finds that returning the child to the home is contrary to

1 the welfare of the child, the court shall enter the finding
2 on the record and order the child placed in the legal
3 custody of the department. The court shall explain the

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

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

9

10 **14-6-301. Definitions.**

11

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

13

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

23

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

1

2 (a) As used in this act:

3

4 (xvi) "Probation" means a legal status created
5 by court order following an adjudication of in need of
6 supervision, where a child is permitted to remain in his
7 home subject to supervision by a city, county or state
8 probation officer, the department of family services or
9 other qualified private organization the court may
10 designate. A child is subject to return to the court for
11 violation of the terms or conditions of probation provided
12 for in the court order;

13

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

16

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

19

20 (ii) There are reasonable grounds to believe the
21 child has violated the terms of an order of the juvenile
22 court issued pursuant to this act;

23

1 **14-6-406. Child in custody; no detention or shelter**
2 **care placement without court order; exceptions; notice to**
3 **parent or guardian; release.**

4
5 (b) Any person taking a child into custody shall as
6 soon as possible notify the child's parent, guardian or
7 custodian. Unless the child's detention or shelter care is
8 authorized by a court order issued pursuant to this act or
9 required for one (1) of the reasons in subsection (a) of
10 this section, the child shall be released to the care of
11 his parent, guardian, custodian or other responsible adult
12 upon that person's written promise to present the child
13 before the court upon request.

14
15 **14-6-407. Detention or shelter care; delivery of**
16 **child pending hearing; placing children; notice if no court**
17 **order.**

18
19 (b) In providing detention or shelter care placement:

20
21 (ii) If facilities or services are not
22 immediately available to house and protect the child, the
23 judge may order the child held in a temporary holding area
24 at the local law enforcement complex. No child in need of

1 supervision shall be placed in a jail, ~~other than for but~~
2 may be placed in a juvenile detention facility if the child
3 has been adjudicated under article 2 of this chapter for
4 having committed a delinquent act;

5
6 14-6-409. Taking of child into custody; informal
7 hearing where no court order; conditional release;
8 evidence; rehearing.

9
10 (a) When a child is placed in detention or shelter
11 care without a court order, a petition as provided in W.S.
12 14-6-412 shall be promptly filed and presented to the
13 court. An informal detention or shelter care hearing shall
14 be held as soon as reasonably possible not later than
15 forty-eight (48) hours, excluding weekends and legal
16 holidays, after the child is taken into custody to
17 determine if further detention or shelter care is required
18 pending further court action. The child shall be
19 interviewed by the department or its designee prior to the
20 detention or shelter care hearing, but in no event later
21 than twenty-four (24) hours, excluding weekends and legal
22 holidays, after the child is taken into custody. The
23 department or its designee shall submit a written report of
24 the interview to the court, including an assessment of the

1 immediate needs of the child and a recommendation for the
2 most appropriate placement for the child pending court
3 disposition or execution of a court order for placement or
4 commitment. Written notice stating the time, place and
5 purpose of the hearing shall be given to the child and to
6 his parents, guardian or custodian.

7
8 (d) Regardless of whether the allegations in the
9 petition are admitted or denied, the court shall determine
10 whether or not the child's full-time detention or shelter
11 care is required pending further proceedings. If the court
12 finds that returning the child to the home is contrary to
13 the welfare of the child, the court shall enter the finding
14 on the record and order the child placed in the legal
15 custody of the department of family services. The court
16 shall explain the terms of the court order to the child,
17 his parents or legal guardian and any other person the
18 court deems necessary. If the court finds that full-time
19 detention or shelter care is not required, the court shall
20 order the child released and may impose one (1) or more of
21 the following conditions:

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

2

3 (END)