

HOUSE BILL NO. HB0080

Service of process in family violence and stalking cases.

Sponsored by: Representative(s) Davison, Brown, Buchanan,
Craft, Harvey, Jaggi, Lubnau and Throne and
Senator(s) Cooper and Dockstader

A BILL

for

1 AN ACT relating to service of process; requiring in-state
2 and out-of-state service of specified documents in family
3 violence and stalking cases; and providing for an effective
4 date.

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

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8 **Section 1.** W.S. 7-3-508(a) and (b) and
9 35-21-104(a)(ii) are amended to read:

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11 **7-3-508. Temporary order of protection; setting**
12 **hearing.**

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14 (a) Upon the filing of a petition for an order of
15 protection, the court shall schedule a hearing on the
16 petition to be conducted within seventy-two (72) hours

1 after the filing of the petition, and shall cause each
2 party to be served, either within or outside of this state,
3 with an order to appear, a copy of the petition and a copy
4 of the supporting affidavits. Service shall be made upon
5 each party at least twenty-four (24) hours before the
6 hearing. The failure to hold or complete the hearing
7 within seventy-two (72) hours shall not affect the validity
8 of the hearing or any order issued thereon.

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10 (b) If the court determines from the specific facts
11 shown by the petition and supporting affidavits that there
12 exists a clear and present danger of further stalking or of
13 serious adverse consequences to any person, the court may
14 grant ex parte a temporary order of protection pending the
15 hearing, and shall cause a copy of the temporary order of
16 protection to be served on each party, either within or
17 outside of this state. The court may prescribe terms in
18 the temporary order of protection which it deems sufficient
19 to protect the victim and any other person pending the
20 hearing, including but not limited to the elements
21 described in W.S. 7-3-509(a).

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23 **35-21-104. Temporary order of protection; setting**
24 **hearing.**

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2 (a) Upon the filing of a petition for order of
3 protection, the court shall:

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5 (ii) Cause the temporary order of protection,
6 together with notice of hearing, to be served on the
7 alleged perpetrator of the domestic abuse immediately,
8 either within or outside of this state;

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10 **Section 2.** This act is effective July 1, 2011.

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12 (END)